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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 JEFFREY LAMONT TAYLOR,

No. C-11-1386 TEH (PR)

12 Petitioner,

ORDER OF DISMISSAL

13 v.

14 RENDON, et al.

15 Respondents.  
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18 Petitioner Jeffrey Lamont Taylor, a state prisoner  
19 incarcerated at California State Prison - Corcoran, has filed a writ  
20 of habeas corpus under 28 U.S.C. § 2254, alleging that prison  
21 officials at Salinas Valley State Prison were deliberately  
22 indifferent to his serious medical needs, and that the prison  
23 officials' actions constitute cruel and unusual punishment.  
24 Specifically, Petitioner appears to be challenging the prison  
25 officials' failure to provide him with a neoprene knee brace, a back  
26 brace, and hearing aids, and the health issues resulting from this  
27 failure. Petitioner also seeks leave to proceed in forma pauperis  
28 under 28 U.S.C. § 1915. Doc. ## 2 and 4.

1 Good cause appearing, petitioner's application to proceed  
2 in forma pauperis is GRANTED.

3 Petitioner's challenges to the conditions of his  
4 confinement are DISMISSED without prejudice to filing a civil rights  
5 complaint under 42 USC § 1983. Although the Supreme Court has not  
6 addressed whether a challenge to a condition of confinement may be  
7 brought under habeas, see Bell v Wolfish, 441 US 520, 526 n6 (1979),  
8 the Ninth Circuit has held that habeas jurisdiction is absent, and a  
9 Section 1983 action proper, where, as here, a successful challenge  
10 to a prison condition will not necessarily shorten the prisoner's  
11 sentence. See Ramirez v Galaza, 334 F.3d 850, 859 (9th Cir. 2003);  
12 see also Badea v Cox, 931 F.2d 573, 574 (9th Cir. 1991) (civil  
13 rights action is proper method of challenging conditions of  
14 confinement); Crawford v Bell, 599 F.2d 890, 891-92 & n1 (9th Cir  
15 1979) (affirming dismissal of habeas petition on basis that  
16 challenges to terms and conditions of confinement must be brought in  
17 civil rights complaint).

18 The Clerk shall terminate any pending motions as moot,  
19 enter judgment in accordance with this order and close the file.

20 IT IS SO ORDERED.

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22 DATED 9/29/2011

  
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THELTON E. HENDERSON  
United States District Judge