

1 in forma pauperis is GRANTED.

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

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

19 IT IS SO ORDERED.

20
21 DATED 10/3/2011



THELTON E. HENDERSON
United States District Judge