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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GILBERTO JUAREZ,
Plaintiff,

No. C 11-4631 WHA (PR)

ORDER OF DISMISSAL

v.

PRISONS; 25 OFFICERS OF THE
COURT;

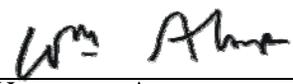
Defendants.

Plaintiff, a California prisoner proceeding pro se, has filed a civil rights complaint under 42 U.S.C. 1983. He claims that his civil rights were violated during the course of his criminal proceedings, and he seeks to have his conviction vacated. Such a form of relief may only be obtained in federal court by way of a petition for a writ of habeas corpus under 28 U.S.C. 2254, not a civil rights complaint under 42 U.S.C. 1983. See *Skinner v. Switzer*, 131 S. Ct. 1289, 1293 (2011) (habeas is the “exclusive remedy” for the prisoner who seeks “immediate or speedier release” from confinement); see *Docken v. Chase*, 393 F.3d 1024, 1026 (9th Cir. 2004) (challenges implicating the fact or duration of confinement must be brought in a habeas petition). Consequently, the instant action is **DISMISSED** without prejudice to filing a petition for a writ of habeas corpus.

The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: September 29, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE