

United States District Court  
For the Northern District of California

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

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DANIEL GRAJEDA,

No. C-11-4700 TEH (PR)

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Petitioner,

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v.

ORDER OF DISMISSAL

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DIRECTOR OF CORRECTIONS,

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Respondent.

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Petitioner Daniel Grajeda, a state prisoner incarcerated at Pelican Bay State Prison, has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging prison conditions. Doc. #1 at 2.

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Petitioner's challenge to the conditions of his confinement by way of a federal petition for writ of habeas corpus is DISMISSED without prejudice to Petitioner filing a civil rights complaint under 42 U.S.C. § 1983. Although the Supreme Court has not addressed whether a challenge to a condition of confinement may be brought under habeas, see Bell v. Wolfish, 441 U.S. 520, 526 n.6 (1979), the Ninth Circuit has held that habeas jurisdiction is

1 absent, and a 42 U.S.C. § 1983 action proper, where, as here, a  
2 successful challenge to a prison condition will not necessarily  
3 shorten the prisoner's sentence. See Ramirez v. Galaza, 334 F.3d  
4 850, 859 (9th Cir. 2003); see also Badea v. Cox, 931 F.2d 573, 574  
5 (9th Cir. 1991) (civil rights action is proper method of challenging  
6 conditions of confinement); Crawford v Bell, 599 F.2d 890, 891-92 &  
7 n.1 (9th Cir. 1979) (affirming dismissal of habeas petition on basis  
8 that challenges to terms and conditions of confinement must be  
9 brought in civil rights complaint).

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

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13 IT IS SO ORDERED.

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15 DATED 11/15/2011



16 THELTON E. HENDERSON  
17 United States District Judge