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United States District Court
For the Northern District of California

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

SHAWN WILLIAM HODGES,)	No. C 11-5555 JSW (PR)
Petitioner,)	ORDER OF DISMISSAL
vs.)	
PIMA COUNTY ADULT DETENTION CENTER, et al.,)	
Respondents.)	

Petitioner, an inmate in county jail in Pima County, Arizona, filed a habeas corpus petition challenging the living conditions of the jail. “Federal law opens two main avenues to relief on complaints related to imprisonment: a petition for habeas corpus, 28 U.S.C. § 2254, and a complaint under the Civil Rights Act of 1871, Rev. Stat. § 1979, as amended, 42 U.S.C. § 1983. Challenges to the lawfulness of confinement or to particulars affecting its duration are the province of habeas corpus. An inmate's challenge to the circumstances of his confinement, however, may be brought under § 1983.” *Hill v. McDonough*, 547 U.S. 573, 579 (2006) (internal quotation omitted).

“[H]abeas jurisdiction is absent, and a § 1983 action proper, where a successful challenge to a prison condition will not necessarily shorten the prisoner’s sentence.” *Ramirez v. Galaza*, 334 F.3d 850, 859 (9th Cir. 2003). Here, Plaintiff argues that the physical condition of the jail is hazardous, in violation of his constitutional rights. The


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preferred practice in the Ninth Circuit also has been that challenges to conditions of confinement should be brought in a civil rights complaint. *See Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991). Consequently, the instant petition is DISMISSED without prejudice to filing as a civil rights action under 42 U.S.C. § 1983. If Plaintiff does so, the proper venue for such an action is the District of Arizona; Plaintiff must file his complaint in that district, not here. *See* 28 U.S.C. § 1391(b).

The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

DATED: December 21, 2011



JEFFREY S. WHITE
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 SHAWN WILLIAM HODGES,
6 Plaintiff,

Case Number: CV11-05555 JSW
CERTIFICATE OF SERVICE

7 v.


8 PIMA COUNTY ADULT DETENTION
9 CENTER et al,
10 Defendant.

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
District Court, Northern District of California.

13 That on December 21, 2011, I SERVED a true and correct copy(ies) of the attached, by
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
inter-office delivery receptacle located in the Clerk's office.

16
17 Shawn W. Hodges
18 #148578
19 AZ State Prison,
20 Kingman Hualapai
P.O. Box 6639
Kingman, AZ 86402

21 Dated: December 21, 2011


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk