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\*E-Filed 7/19/13\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JOSEPH VICTOR LAGANA,  
Petitioner,

No. C 13-1274 RS (PR)

**ORDER OF DISMISSAL**

v.

THE PEOPLE OF THE STATE OF  
CALIFORNIA, et al.,  
Respondents.

/

**INTRODUCTION**

Petitioner challenges, under 28 U.S.C. § 2241,<sup>1</sup> his pre-trial detention in state custody on charges of contempt of court and disobeying a stay-away order. Petitioner asks the Court to order his release on grounds that the pre-trial proceedings regarding bail and arraignment violated his constitutional rights and that these violations deprived the state court of jurisdiction.

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<sup>1</sup> Though filed as an action under 28 U.S.C. § 2254, this action is in truth an action under § 2241 because petitioner is a pre-trial detainee. *See Stow v. Murashige*, 389 F.3d 880, 886–87 (9th Cir.2004).

United States District Court  
For the Northern District of California



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A certificate of appealability will not issue. Petitioner has not shown “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Petitioner’s motion to proceed in forma pauperis (Docket Nos. 2 and 4) are GRANTED. The Clerk shall terminate Docket Nos. 2 and 4, enter judgment in favor of respondents, and close the file.

**IT IS SO ORDERED.**

DATED: July 18, 2013

  
RICHARD SEEBORG  
United States District Judge