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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

MARK ANTHONY JONES,

Petitioner,

vs.

CONNIE GIPSON, Warden,

Respondent.

No. C 13-3431 JSW (PR)

**ORDER OF DISMISSAL; GRANTING  
LEAVE TO PROCEED IN FORMA  
PAUPERIS**

(Docket No. 4)

Petitioner, a prisoner of the State of California proceeding pro se, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254. He was convicted in Sonoma County Superior Court 2004. He previously filed a habeas petition in this Court challenging the same judgment, which petition was denied on its merits. *See Jones v. Adams*, No. C 06-4162 VRW (PR). In the present petition, he contends that he is entitled to relief, i.e. a shorter sentence or immediate release, under California law, specifically California Proposition 36. Federal habeas relief is only available on the basis of a violation of federal law. *Wilson v. Corcoran*, 131 S. Ct. 13, 16 (2010). Claims for relief under state law, or that state law has been violated, are not cognizable in a federal habeas petition. *Swarthout v. Cooke*, 131 S. Ct. 859, 861-62 (2011). And to

1 whatever extent Petitioner means to challenge the conviction on the basis of federal law,  
2 he must first obtain from the United States Court of Appeals for the Ninth Circuit an  
3 order authorizing this Court to consider a second or successive petition from him. *See* 28  
4 U.S.C. § 2244(b)(3)(A).


5 Accordingly, the petition is DISMISSED without prejudice to filing his state  
6 court claims in the state courts, including the California Supreme Court.

7 Petitioner's request to proceed in forma pauperis is GRANTED (dkt. 4).

8 The Clerk shall enter judgment and close the file.

9 IT IS SO ORDERED.

10 DATED: October 2, 2013

  
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JEFFREY S. WHITE  
United States District Judge

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

5 MARK JONES,

6 Plaintiff,

7 v.

8 BROWN et al,

9 Defendant.  
10 \_\_\_\_\_/

Case Number: CV13-03431 JSW

**CERTIFICATE OF SERVICE**

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

13 That on October 2, 2013, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
16 delivery receptacle located in the Clerk's office.

17 Mark Anthony Jones  
18 P.O. Box 3481  
19 C12452  
20 Corcoran, CA 93212-3481

21 Dated: October 2, 2013



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