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

MARK ANTHONY JONES,	)	No. C 13-5172 JSW (PR)
	)	
Plaintiff,	)	<b>ORDER OF DISMISSAL</b>
	)	
v.	)	
	)	
JERRY BROWN, et al.,	)	
	)	
Defendants.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

Plaintiff, a California prisoner, filed this pro se civil rights complaint under 42 U.S.C. § 1983. Plaintiff claims that he is eligible to be re-sentenced to a shorter term under California Proposition 36, which provides retroactive exceptions to California’s Three Strikes Law for certain drug offenses. Plaintiff seeks declaratory and injunctive relief. Such claims must be raised in a federal petition for a writ of habeas corpus, not a civil rights action. *See Skinner v. Switzer*, 131 S. Ct. 1289, 1293 (2011) (habeas is the “exclusive remedy” for the prisoner who seeks “immediate or speedier release”); *Docken v. Chase*, 393 F.3d 1024, 1026 (9th Cir. 2004) (challenges implicating the fact or duration of confinement must be brought through a habeas petition). Accordingly, this case is DISMISSED without prejudice to Plaintiff bringing his claims in a petition for a writ of habeas corpus after he has exhausted his claims by fairly presenting themn to the California Supreme Court.

1 His application to proceed *in forma pauperis* is granted in a separate order. The  
2 clerk shall enter judgment and close the file.

3 IT IS SO ORDERED.

4 DATED: December 11, 2013

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7 JEFFREY S. WHITE  
8 United States District Judge  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 MARK A JONES,

6 Plaintiff,

7 v.

8 JERRY BROWN et al,

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

Case Number: CV13-05172 JSW

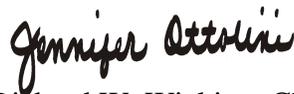
**CERTIFICATE OF SERVICE**

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

13 That on December 11, 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 A. Jones  
18 C12452  
19 Corcoran State Prison  
20 Corcoran, CA 93212

21 Dated: December 11, 2013



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