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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THEOPRIC KENT BLOODSAW,
Petitioner,
v.
PHYLLIS J. HAMILTON,
Respondent.

Case No. [15-cv-00804-JD](#)

**ORDER GRANTING LEAVE TO
PROCEED IN FORMA PAUPERIS,
DISMISSING PETITION, AND
DENYING CERTIFICATE OF
APPEALABILITY**

Re: Dkt. No. 2

This is a habeas case filed pro se by a state prisoner. While petitioner sets forth the facts of his conviction, some of the claims in the petition appear to involve conditions of petitioner’s confinement, not the fact of his conviction or the length of it, and thus may not be raised in a habeas petition. *See Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (civil rights action is proper method of challenging conditions of confinement); *Crawford v. Bell*, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming dismissal of habeas petition on basis that challenges to terms and conditions of confinement must be brought in civil rights complaint). Petitioner alleges that Judge Phyllis J. Hamilton and prison officials are conspiring to overthrow the United States government and conspiring against petitioner. Petitioner has filed more than forty previous cases in this court.

Petitioner’s previous habeas petition directed to the same conviction was dismissed with prejudice as barred by the statute of limitations, *see Bloodsaw v. Woodford*, C 06-2929-GHK-E (C.D. Cal. Jan. 19, 2007) (order adopted report and recommendation and dismissing petition with prejudice), so any claims in this petition that might be construed as going to the conviction would be second or successive. Because petitioner has not obtained an order from the court of appeals allowing him to file a second or successive petition, any habeas claims that might be discerned in the petition are barred. *See* 28 U.S.C. § 2244(b)(3)(A). In short, the petition must be dismissed.


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Due to the frivolous nature of this action and the large amount of similar cases and claims filed by petitioner, the case will not be re-designated as a civil rights action with leave to amend.

Petitioner’s motion for leave to proceed in forma pauperis (Docket No. 2) is **GRANTED**. The petition is **DISMISSED** for the reasons set out above. Because reasonable jurists would not find the result here debatable, a certificate of appealability (“COA”) is **DENIED**. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA). The clerk shall close the file.

IT IS SO ORDERED.

Dated: March 23, 2015



James Donato
United States District Judge

