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

KENNARD I. LOVE, AA7389,)	
)	
Petitioner(s),)	No. C 16-1178 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
SALINAS VALLEY STATE PRISON,)	(Dkt. #2)
)	
Respondent(s).)	
)	

Petitioner, a prisoner at Salinas Valley State Prison (SVSP), has filed a pro se petition for a writ of habeas corpus challenging the refusal of SVSP officials to “modify [his] custody status.” Pet. at 1. Petitioner also seeks leave to proceed in forma pauperis under 28 U.S.C. § 1915.

Based solely on his affidavit of poverty, petitioner’s request to proceed in forma pauperis (dkt. #2) is GRANTED. But the petition for a writ of habeas corpus is DISMISSED without prejudice to filing a civil rights complaint under 42 U.S.C. § 1983.

It is well established in the Ninth Circuit that habeas jurisdiction is absent, and a § 1983 action proper, where, as here, a successful challenge to a prison condition or event will not necessarily shorten the prisoner’s sentence. Ramirez v. Galaza, 334 F.3d 850, 859 (9th Cir. 2003). In addition, the preferred practice in this circuit has been that challenges to conditions of confinement be brought in

1 a civil rights complaint. See Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991)
2 (civil rights action is proper method of challenging conditions of confinement);
3 Crawford v. Bell, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming
4 dismissal of habeas petition on basis that challenges to terms and conditions of
5 confinement must be brought in civil rights complaint).

6 The clerk shall send petitioner a prisoner civil rights complaint form, enter
7 judgment in accordance with this order, terminate all pending motions as moot,
8 and close the file.

9 SO ORDERED.

10 DATED: March 14, 2016


11 CHARLES R. BREYER
12 United States District Judge
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