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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES EDWARD CANADA,
Petitioner,
v.
DAVID B. LONG, et al.,
Respondent.

Case No. [17-cv-03812-JD](#)

ORDER OF DISMISSAL

Re: Dkt. No. 9

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner does not challenge the legality of his confinement; rather he seeks relief regarding his medical care. “Federal law opens two main avenues to relief on complaints related to imprisonment: a petition for habeas corpus, 28 U.S.C. § 2254, and a complaint under the Civil Rights Act of 1871, Rev. Stat. § 1979, *as amended*, 42 U.S.C. § 1983. Challenges to the lawfulness of confinement or to particulars affecting its duration are the province of habeas corpus.” *Hill v. McDonough*, 547 U.S. 573, 579 (2006) (*quoting Muhammad v. Close*, 540 U.S. 749, 750 (2004)). “An inmate’s challenge to the circumstances of his confinement, however, may be brought under § 1983.” *Id.*

This case was transferred to this district because petitioner’s underlying conviction occurred in Sonoma County. However, petitioner is incarcerated in Blythe, CA which is located in the Central District of California. If petitioner seeks to challenge the conditions of his confinement he must file a civil rights action in the Central District. He is informed that while he may seek to proceed in forma pauperis for a civil rights action the fee is \$350. The Court notes that petitioner already proceeds with a habeas petition in this Court. *Canada v. Martinez*, No. 17-cv-1048 JD.

CONCLUSION

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2 1. Petitioner’s motion for leave to proceed in forma pauperis (Docket No. 9) is
3 **GRANTED.**

4 2. The petition is **DISMISSED** for the reasons set forth above. A certificate of
5 appealability is **DENIED.**

6 **IT IS SO ORDERED.**

7 Dated: August 8, 2017

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11 _____
12 JAMES DONATO
13 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 JAMES EDWARD CANADA,
4 Plaintiff,
5 v.
6 DAVID B. LONG, et al.,
7 Defendants.
8

Case No. [17-cv-03812-JD](#)

CERTIFICATE OF SERVICE

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

11
12 That on August 8, 2017, I SERVED a true and correct copy(ies) of the attached, by placing
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.
16

17 James Edward Canada ID: CDC AU1244
18 P.O. Box 2199
19 Blythe, CA 92226

20 Dated: August 8, 2017
21

22 Susan Y. Soong
23 Clerk, United States District Court

24
25 By: 
26 LISA R. CLARK, Deputy Clerk to the
27 Honorable JAMES DONATO
28