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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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6 GERALD FRANK STANLEY, C80900,

7 Petitioner,

8 v.

9 RON BROOMFIELD, Warden,

10 Respondent.

Case No. [20-cv-05420-CRB](#) (PR)

ORDER OF DISMISSAL

11 Petitioner, a prisoner at San Quentin State Prison's (SQSP) death row and frequent litigant
12 in federal court, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254
13 challenging various aspects and conditions of his confinement, including denial of access to the
14 courts and misconduct by prison guards.

15 Based on petitioner's prior affidavits of poverty, leave to proceed IFP is GRANTED. But
16 the petition for a writ of habeas corpus is DISMISSED without prejudice to filing a civil rights
17 complaint under 42 U.S.C. § 1983.¹

18 It is well established in the Ninth Circuit that habeas jurisdiction is absent, and a § 1983
19 action proper, where, as here, a successful challenge to a prison condition or event will not
20 necessarily shorten the prisoner's sentence. Ramirez v. Galaza, 334 F.3d 850, 859 (9th Cir. 2003).
21 In addition, the preferred practice in this circuit has been that challenges to conditions of
22 confinement be brought in a civil rights complaint under § 1983. See Badea v. Cox, 931 F.2d 573,
23 574 (9th Cir. 1991) (civil rights action is proper method of challenging conditions of
24 confinement); Crawford v. Bell, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming dismissal
25 of habeas petition on basis that challenges to terms and conditions of confinement must be brought
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28 ¹ It appears that plaintiff already has brought the same claims brought here in a civil rights
complaint under § 1983. See Stanley v. Broomfield, No. 20-cv-6111-SK (N.D. Cal. filed Aug. 31,
2020).

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in civil rights complaint).

The clerk is instructed to close the file and terminate all pending motions as moot.

IT IS SO ORDERED.

Dated: September 8, 2020



CHARLES R. BREYER
United States District Judge