

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

3 LAWRENCE MARTINEZ,

No. C 10-05829 CW (PR)

4 Petitioner,

ORDER GRANTING MOTION TO
DISMISS; DENYING CERTIFICATE OF
APPEALABILITY

5 v.

6 RANDY GROUNDS, Warden,

(Docket no. 5)

7 Respondent.
8
9 _____/

10 INTRODUCTION

11 Petitioner, a state prisoner incarcerated at the Correctional
12 Training Facility (CTF), filed this pro se petition for a writ of
13 habeas corpus pursuant to 28 U.S.C. § 2254, challenging as a
14 violation of his constitutional rights a decision by the CTF Unit
15 Classification Committee (UCC) to change his prison custody status
16 from "Medium A" to the more restrictive "Close B."

17 Respondent has filed a motion to dismiss the petition on the
18 grounds that it fails to state a cognizable claim for habeas corpus
19 relief, or, alternatively, the claims are without merit. Petitioner
20 has filed an opposition to the motion and Respondent has filed a
21 reply. For the reasons discussed below, Respondent's motion is
22 granted.

23 DISCUSSION

24 I. Petitioner's Claims

25 In 1989, Petitioner was convicted of kidnap for robbery and
26 sentenced to seven years to life in state prison with the
27 possibility of parole. In August 2009, Petitioner appeared before
28 the UCC at CTF, at which time the UCC changed Petitioner's custody

1 status from "Medium A" to the more restrictive "Close B" status,
2 based on Petitioner's adjudication for an attempted escape from the
3 California Youth Authority in 1982, when Petitioner was a minor.

4 Petitioner claims the UCC's decision violated his federal
5 constitutional rights to due process and equal protection because
6 (1) it relies upon a juvenile adjudication, which is not the same as
7 a criminal conviction, to increase his custody status, and
8 (2) it was not based on "some evidence" that he is a threat to
9 prison security. Petitioner unsuccessfully challenged the UCC's
10 decision through the prison's administrative grievance process and
11 the California state courts.

12 II. Motion to Dismiss

13 A. Proper Remedy

14 Respondent first argues that Petitioner's claims are not
15 cognizable in federal habeas corpus because Petitioner is not
16 seeking relief that will affect the fact or duration of his
17 confinement.

18 California Code of Regulations title 15, section 3377.1,
19 identifies seven inmate custody designations used "to establish
20 where an inmate shall be housed and assigned, and the level of staff
21 supervision required to ensure institutional security and public
22 safety." Cal. Code Regs. tit. 15, § 3377.1(a). Listed in order of
23 most to least restrictive, those custody designations are: Maximum,
24 Close A, Close B, Medium A, Medium B, Minimum A and Minimum B. Id.
25 The UCC reviews each inmate's case at least annually to consider the
26 accuracy of the inmate's classification score, custody designation,
27 program, work and privilege group, and facility placement. Id.
28 § 3376((d)(2)(A).

1 As noted, Petitioner seeks a determination from this Court that
2 the UCC violated his federal constitutional rights when it changed
3 his custody status from "Medium A" to "Close B." "'Federal law
4 opens two main avenues to relief on complaints related to
5 imprisonment: a petition for habeas corpus, 28 U.S.C. § 2254, and a
6 complaint under the Civil Rights Act of 1871, Rev. Stat. § 1979, as
7 amended, 42 U.S.C. § 1983. Challenges to the lawfulness of
8 confinement or to particulars affecting its duration are the
9 province of habeas corpus.'" Hill v. McDonough, 547 U.S. 573, 579
10 (2006) (quoting Muhammad v. Close, 540 U.S. 749, 750 (2004)). "An
11 inmate's challenge to the circumstances of his confinement, however,
12 may be brought under § 1983." Id.

13 Although the Supreme Court has declined to decide whether
14 conditions of confinement claims can provide grounds for federal
15 habeas corpus relief, see Bell v. Wolfish, 441 U.S. 520, 526 n.6
16 (1979), the Ninth Circuit, whose decisions are binding on this
17 Court, has concluded that they cannot. See Ramirez v. Galaza, 334
18 F.3d 850, 859 (9th Cir. 2003) (holding that "habeas jurisdiction is
19 absent, and a § 1983 action proper, where a successful challenge to
20 a prison condition will not necessarily shorten the prisoner's
21 sentence"); Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991) (holding
22 habeas corpus action is proper mechanism for challenging "legality
23 or duration" of confinement, while civil rights action is proper
24 method for challenging conditions of confinement); Crawford v. Bell,
25 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming dismissal of
26 habeas petition on basis that challenges to terms and conditions of
27 confinement must be brought in civil rights complaint).

28 //

1 Here, Petitioner presents only a conditions of confinement
2 claim; specifically, he claims that he was wrongly classified for
3 "Close B" custody status rather than the less restrictive status to
4 which he believes state law entitles him. Petitioner, however,
5 alleges no facts that lead this Court to conclude that a change in
6 his custody status "necessarily" would affect the duration of his
7 sentence. See Ramirez, 334 F.3d at 859.

8 Accordingly, because Petitioner's claim does not implicate the
9 fact or duration of his confinement, the petition fails to state a
10 cognizable basis for federal habeas corpus relief.

11 B. Non-meritorious Claims for Habeas Corpus Relief

12 Respondent's second argument for dismissal of the petition is
13 that, even if Petitioner's claims are cognizable in habeas corpus,
14 the petition must be dismissed because Petitioner has presented no
15 meritorious grounds for relief.

16 1. Juvenile Adjudication

17 As noted, Petitioner maintains that the UCC violated his
18 federal constitutional rights to due process and equal protection by
19 relying on an attempted escape adjudication by the California Youth
20 Authority in 1982, when Petitioner was a minor, to assign Petitioner
21 a "Close B" custody status.

22 Petitioner fails to state a cognizable claim for habeas corpus
23 relief, however, because such relief is not available for violations
24 of state law. Specifically, a federal district court may entertain
25 a petition for a writ of habeas corpus "in behalf of a person in
26 custody pursuant to the judgment of a State court only on the ground
27 that he is in custody in violation of the Constitution or laws or
28 treaties of the United States." 28 U.S.C. § 2254(a).

1 Here, Petitioner challenges the UCC's application of the
2 California Code of Regulations, which provides that the UCC, when
3 determining a prisoner's classification score, may consider
4 "administrative determinants" that include a "sustained juvenile
5 adjudication," which is defined as "a guilty determination or ruling
6 rendered in a juvenile judicial proceeding." Cal. Code Regs. tit.
7 15, § 3375.2(25)(A). Petitioner, however, has identified no federal
8 constitutional provision that requires prison officials to limit the
9 factors they may consider to determine the proper custody status for
10 an inmate. Rather, Petitioner's claim implicates only the UCC's
11 alleged erroneous application of state law.

12 Accordingly, this claim fails to state a cognizable ground for
13 habeas corpus relief.

14 2. Some Evidence

15 Petitioner claims that the UCC's determination violated his
16 federal constitutional rights because it was not supported by "some
17 evidence" that Petitioner poses a threat to prison security.

18 Under the Anti-Terrorism and Effective Death Penalty Act
19 of 1996 (AEDPA), a federal court may not grant a writ of habeas
20 corpus unless the state court's adjudication of the Petitioner's
21 claim was either: (1) "contrary to, or involved an unreasonable
22 application of, clearly established Federal law, as determined by
23 the Supreme Court of the United States," or (2) "based on an
24 unreasonable determination of the facts in light of the evidence
25 presented at the State Court proceeding." 28 U.S.C. § 2254(d).

26 "Section 2254(d)(1) restricts the source of clearly established
27 law to [the Supreme] Court's jurisprudence." Williams v. Taylor,
28 529 U.S. 362, 412 (2000). In particular, "clearly established

1 Federal law" consists of those Supreme Court holdings governing at
2 the time of the state court's adjudication, Carey v. Musladin, 549
3 U.S. 70, 74 (2006), that "squarely address" the issue presented.
4 Wright v. Van Patten, 552 U.S. 120, 125 (2008). "A federal court
5 may not overrule a state court for simply holding a view different
6 from its own, when the precedent from [the Supreme Court] is, at
7 best, ambiguous." Mitchell v. Esparza, 540 U.S. 12, 17 (2003).

8 Petitioner cites Superintendent v. Hill, 472 U.S. 445 (1985),
9 for the proposition that federal constitutional mandates of due
10 process and the right to equal protection require the UCC to rely on
11 "some evidence" to justify a change in a prisoner's custody
12 designation. Hill, however, does not address the quantum of
13 evidence prison officials must rely upon to make classification
14 decisions; rather, Hill holds that "some evidence" is the modicum of
15 evidence required to support a disciplinary finding of guilt that
16 has resulted in the revocation of a prisoner's good time credits.
17 See id. at 454-55. As such, Petitioner has presented no clearly
18 established Supreme Court authority that equates the procedural
19 requirements for the latter finding, which directly affects the
20 duration of a prisoner's incarceration, with the former, which
21 affects only a prisoner's custody status. Consequently, the Court
22 concludes that Petitioner has not shown that clearly established
23 federal law required that the UCC's decision to move Petitioner to
24 "Close B" custody status be supported by "some evidence."

25 Accordingly, Petitioner's claim is without merit.

26 C. Summary

27 Based on the above, Respondent's motion to dismiss the petition
28 on the ground that Petitioner has failed to state a cognizable claim

1 for federal habeas corpus relief, or, alternatively, has not
2 presented meritorious claims for relief under 28 U.S.C. § 2254, is
3 GRANTED.

4 III. Certificate of Appealability

5 A certificate of appealability will be denied with respect to
6 Petitioner's claim. See 28 U.S.C. § 2253(c)(1)(a); Rules Governing
7 Habeas Corpus Cases Under § 2254, Rule 11 (requiring district court
8 to issue or deny certificate of appealability when entering final
9 order adverse to petitioner). Specifically, Petitioner has failed
10 to make a substantial showing of the denial of a constitutional
11 right, as he has not demonstrated that reasonable jurists would find
12 the Court's assessment of the constitutional claims debatable or
13 wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000).

14 CONCLUSION

15 For the foregoing reasons, the Court orders as follows:

- 16 1. Respondent's motion to dismiss the petition is GRANTED.
- 17 2. A certificate of appealability is DENIED.

18 The Clerk of the Court shall enter judgment in favor of
19 Respondent, terminate all pending motions, and close the file.

20 This Order terminates Docket no. 5.

21 IT IS SO ORDERED.

22 Dated: 1/6/2012

23 
24 CLAUDIA WILKEN
25 UNITED STATES DISTRICT JUDGE
26
27
28