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

ROBERT JOHN STOCKTON, JR., )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 WARDEN DERREL JOHN ADAMS, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

No. C 11-5562 RMW (PR)  
  
ORDER DENYING  
RESPONDENT’S MOTION TO  
DISMISS  
  
(Docket No. 13)

Petitioner, a state prisoner proceeding pro se, filed a first amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the prison’s determination that petitioner was an active gang member. Petitioner states that the decision resulted in his continued indefinite placement in the secured housing unit (“SHU”). He seeks relief overturning his validation as a gang member and ordering his release from the SHU. The court ordered respondent to show cause why the petition should not be granted. Respondent has filed a motion to dismiss for failure to state a cognizable habeas claim. Petitioner has filed an opposition, and respondent has filed a reply. Petitioner has filed objections to respondent’s reply. For the reasons below, the court