UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ARTHUR LEE GARRISON, Petitioner, v. DEPUTY DIRECTOR NDOC, et al., Respondents.	Case No. 2:16-cv-01050-GMN-VCF ORDER

Petitioner Arthur Lee Garrison has submitted a *pro se* habeas corpus petition (ECF No. 1). As he has paid the filing fee (*see* ECF No. 1-1), his application to proceed *in forma pauperis* (ECF No. 3) shall be denied as moot.

The claims that petitioner sets forth are not cognizable in habeas corpus but rather are allegations of violations of his civil rights pursuant to 42 U.S.C. § 1983, namely vague allegations of violations of his Eighth Amendment right to be free from deliberate indifference to his serious medical needs (*see* ECF No. 1). *Nettles v. Grounds*, 788 F.3d 992, 1001 (9th Cir. 2015) ("[R]elief is available to a prisoner under the federal habeas statute only if success on the claim would 'necessarily spell speedier release' from custody."); *Estelle v. Gamble*, 429 U.S. 97, 105 (1976) ("Regardless of how evidenced, deliberate indifference to a prisoner's serious illness or injury states a cause of action under § 1983.").

Further, the court may take judicial notice of its docket, and Garrison previously filed a purported habeas petition that attempted to set forth deliberate indifference medical claims. 3:15-cv-00429-RCJ-WGC. The court dismissed that case without

prejudice to the filing of a § 1983 complaint and directed that the Clerk of Court send Garrison the form for such a complaint in this court. As in that case, this petition is dismissed as noncognizable in federal habeas corpus.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that petitioner's application to proceed *in forma pauperis* (ECF No. 3) is **DENIED** as moot.

IT IS FURTHER ORDERED that petitioner's motions for appointment of counsel and/or for evidentiary hearing (ECF Nos. 2, 7, and 9); motions directed at his former state-court counsel (ECF Nos. 5 and 6); and motion for copies (ECF No. 10) are all **DENIED** as moot.

IT IS FURTHER ORDERED that, to the extent necessary in this procedural context, a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close this case.

DATED: 11 October 2016.

GLORIA M. NAVARRO, CHIEF JUDGE
UNITED STATES DISTRICT COURT