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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Carissa Carpenter,
Petitioner

v.

Janice Killian, et al.,
Respondents

Case No.: 2:18-cv-00844-JAD-GWF

Order Dismissing Petition

[ECF Nos. 3, 4]

Pro se petitioner Carissa Carpenter is an inmate at the Nevada Southern Detention Center (NSDC) who has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241.¹ She alleges in her petition that NSDC has deprived, and continues to deprive, her of adequate medical care and that prison officials have been deliberately indifference to her serious medical needs. These claims challenge the conditions of her confinement; they don't challenge the fact or duration of her custody. These claims are inappropriately raised in a habeas action and are better suited for a civil-rights action under 42 U.S.C. § 1983 or *Bivens*.² A *Bivens* action is the proper remedy for a federal prisoner who is making a constitutional challenge to the conditions of her prison life, but not to the fact or length of her custody.³ So, I dismiss these claims without prejudice to Carpenter's ability to re-allege them in a new, civil-rights case.

Accordingly, IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice.

The **Clerk of Court** is directed to **SEND to Carpenter two copies each of: (1) an application to proceed *in forma pauperis* for incarcerated persons, and (2) a form civil-rights complaint under 42 U.S.C. § 1983; one copy of the instructions for each form; and a copy of the papers that she submitted in this action.** Because she will presumably be naming

¹ ECF No. 1.

² *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

³ See *Prieser*, 411 U.S. 475, 499 (1973); *Bivens*, 403 U.S. 388.

1 federal officers as defendants, petitioner is advised that **she should cross out “42 U.S.C. §**
2 **1983”** in the caption and, **below it, write “BIVENS ACTION.”**

3 IT IS FURTHER ORDERED that Carpenter’s motion to proceed pro se [ECF No. 3] and
4 emergency motion for transfer [ECF No. 4] are **DENIED as moot.**

5 The **Clerk of Court** is directed to **ENTER JUDGMENT accordingly and CLOSE**
6 **THIS CASE.** Because Carpenter is a federal prisoner, she is not required to obtain a certificate
7 of appealability to appeal this order.⁴

8 Dated: May 31, 2018

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11 U.S. District Judge Jennifer A. Dorsey

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28 ⁴ See *Harrison v. Ollison*, 519 F.3d 952, 958 (9th Cir. 2008).