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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRENT MORRIS,

Petitioner,

v.

ISIDRO BACA, *et al.*,

Respondents.

Case No. 3:17-cv-00019-LRH-WGC

ORDER

Petitioner Brent Morris has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 and has paid the filing fee.

28 U.S.C. § 2254(a) provides that a federal court: “shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” However, Morris claims in his filing that during his arrest on state charges police unreasonably seized gambling chips from him in violation of his Fourth Amendment rights (ECF No. 1-1). He claims that the charges were dismissed, but the chips were not returned. While he may have a claim that is cognizable under 42 U.S.C. § 1983, he does not state a claim for which federal habeas relief may be granted.

Morris acknowledges that this court dismissed his previous purported 28 U.S.C. § 2254. See Case No. 3:16-cv-00212-MMD-WGC. There, Morris sought the return of the same gambling chips at issue here or the equivalent payment. He now claims that

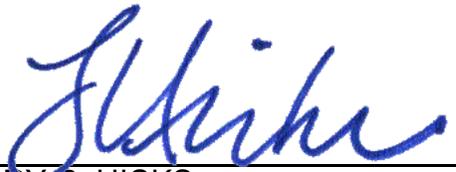
1 he has cured the deficiencies of his previous petition because he does not want the
2 \$5,000 that the chips were worth, he simply wants "such relief to which he is entitled."
3 First, it is entirely unclear what relief Morris seeks. Also, as with his earlier habeas
4 petition, even assuming that his Fourth Amendment rights were violated by an
5 unreasonable seizure of the gambling chips, such allegations do not state a claim that
6 he is in custody in violation of the Constitution or laws or treaties of the United States.
7 Thus, the present action will be dismissed.

8 **IT IS THEREFORE ORDERED** that this action is **DISMISSED**.

9 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as
10 jurists of reason would not find the court's dismissal of this improperly commenced
11 action without prejudice to be debatable or incorrect.

12 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly
13 and close this case.

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15 DATED this 6th day of April, 2017.



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17 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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