

IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
 ASHEVILLE DIVISION  
 1:06CV224-MU-02

KHOSROW PARMAEI, )  
 Petitioner, )  
 )  
 v. )  
 )  
 CHRISTINE S. SMITH, Ad- )  
 ministratrix of the )  
 Estate of Meg M. Par- )  
 maei, deceased, )  
 Respondent. )  
 \_\_\_\_\_ )

ORDER

**THIS MATTER** comes before the Court on the petitioner's form-Petition for a Writ of Habeas Corpus under 28 U.S.C. §2254, filed July 28, 2006.

As best as can be understood from the instant Petition, the petitioner is seeking to challenge a civil judgment which was entered against him in a wrongful death action. In particular, the subject Petition reflects that the petitioner was found liable in a wrongful death action which was tried in the civil division of the Superior Court of Buncombe County; that he was ordered to pay a civil judgment of one million dollars; and that he believes that his rights under the North Carolina Rules of Civil Procedure were violated because his request for a jury trial was not honored.

However, as is obvious from the above, the petitioner has failed to state a constitutional claim under 28 U.S.C. §2254. To put it simply, the petitioner's allegations do not relate to the fact or duration of his confinement. Thus, inasmuch as §2254 provides a means for seeking a federal remedy based upon challenges of unlawfully obtained or imposed criminal convictions or sentences, the petitioner cannot proceed with this action. Therefore, the petitioner's Petition will be **DISMISSED** for his failure to state a cognizable claim for relief therein.

**SO ORDERED.**

Signed: August 3, 2006



Graham C. Mullen  
United States District Judge

