

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ALEJANDRO HERNANDEZ,)	CASE NO. 4:14 CV 262
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
G. ZICKEFOOSE,)	<u>AND ORDER</u>
)	
Respondent.)	

On February 7, 2014, petitioner *pro se* Alejandro Hernandez, a federal prisoner at the Northeast Ohio Correctional Center (“NEOCC”), filed the above-captioned habeas corpus action under 28 U.S.C. § 2241. Petitioner asserts violation of his rights under the First, Fourth and Eighth Amendments because he was unable to obtain candles at NEOCC for religious purposes.

Habeas corpus is not the appropriate vehicle to do challenge the conditions of confinement. *Preiser v. Rodriguez*, 411 U.S. 475, 498-99 (1973); *Luedtke v. Berkebile*, 704 F.3d 465 (6th Cir. 2013). To assert constitutional claims regarding those conditions, petitioner would need to file a civil rights action.¹

Accordingly, this action is dismissed pursuant to 28 U.S.C. § 2243. The court certifies,

¹ To file a civil rights action, petitioner would have to file a complaint in a new case and either pay the \$400 filing fee or file a prisoner account statement with sufficient sufficient financial information for the court to assess and collect the filing fee. 28 U.S.C. § 1915(b)(1).

pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/Dan Aaron Polster 6/10/14
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE