

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JACK COPPENGER, JR.,)	CASE NO. 5:14 CV 2344
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
RALPH HANSON,)	<u>AND ORDER</u>
)	
Respondent.)	

On October 21, 2014, petitioner *pro se* Jack Coppenger, Jr., an inmate at the Elkton Correctional Institution, filed the above-captioned *in forma pauperis* habeas corpus action under 28 U.S.C. § 2241. As grounds for the petition, he alleges he is not receiving appropriate medical treatment for his bipolar disorder. Petitioner asserts the alleged inadequate treatment provided him violates his Eighth Amendment right to be free from cruel and unusual punishment. He seeks release from incarceration or a “limited civil commitment” order.

As a threshold matter, none of the cases cited by petitioner supports an order releasing him from incarceration under the facts and circumstances set forth in the petition. Further, habeas corpus is not the appropriate vehicle to challenge the conditions of his confinement. *Preiser v. Rodriguez*, 411 U.S. 475, 498-99 (1973); *Luedtke v. Berkebile*, 704 F.3d 465 (6th Cir.

2013). To seek relief concerning those conditions, he must file a civil rights action.¹

Accordingly, the request to proceed *in forma pauperis* is granted, and this action is dismissed pursuant to 28 U.S.C. § 2243. The court certifies, 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.

Date: December 2, 2014

/s/ John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE

¹ To bring 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 financial information for the court to assess and collect the fee. 28 U.S.C. § 1915(b)(1).