

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JERRY LEE DONOVAN,

Plaintiff,

v.

UNITED STATES OF AMERICA;
RICHARD IVES, Warden,

Defendants.

Case No. 3:18-cv-00199-JR
ORDER

MCSHANE, District Judge:

Plaintiff, an inmate at Sheridan Federal Correctional Institution, brings this civil rights action and requests declaratory relief. Plaintiff did not submit the required \$350.00 filing fee for civil rights cases, and an action may proceed without prepayment of the filing fee only upon a proper application to proceed in forma pauperis. 28 U.S.C. § 1915(a).

Regardless, plaintiff's claim must be dismissed. Plaintiff seeks a judgment declaring that his rights to due process were violated during a prison disciplinary hearing that resulted in the loss of good time credits. It is well established that a challenge to prison disciplinary proceedings resulting in the deprivation of good-time credits implicates the duration of confinement and must

be raised in a petition for writ of habeas corpus. *Preiser v. Rodriguez*, 411 U.S. 475, 487-88 (1973); *see also Edwards v. Balisok*, 520 U.S. 641 (1997); *Wolff v. McDonnell*, 418 U.S. 539 (1974). In fact, plaintiff has filed a federal habeas petition challenging the disciplinary hearing in *Donovan v. Ives*, Case No. 3:18-cv-00198-JR.

Accordingly, plaintiff is able to challenge the disciplinary proceeding and seek a declaration of his rights in his habeas action, and this case is DISMISSED.

IT IS SO ORDERED.

DATED this 6th day of March, 2018.

s/ Michael J. McShane
Michael J. McShane
United States District Judge