

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Schaffer v. Clay

No. 24-cv-04103-PCP (N.D. Cal. Mar. 31, 2025) · No. 24-cv-04103-PCP · Decided March 31, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed without prejudice the petitioner’s requests for release and dismissal of ongoing state criminal charges under Younger abstention and the federal habeas exhaustion requirements. The court held that claims concerning alleged forced medication and conversion therapy challenged conditions of confinement and could not proceed in habeas, but permitted the petitioner to choose whether to convert the action into a 42 U.S.C. § 1983 civil rights case or dismiss the remaining claims. The court also denied the petitioner’s in forma pauperis application and required a response by May 30, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	P. Casey Pitts
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 31, 2025
DOCKET	24-cv-04103-PCP
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 while his state criminal proceedings were ongoing. The district court conducted preliminary review under 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases.
STANDARD OF REVIEW	The petition was reviewed under 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases to determine whether the petitioner appeared entitled to relief.
PRECEDENTIAL VALUE	Unknown; district-court order with no reporter citation and no stated precedential designation.
PARTIES	Craig Raymond Schaffer v. Jennie Clay, et al.

TOPICS

federal habeas corpus

post-conviction relief

prisoners rights

civil rights

criminal procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil rights

criminal procedure

prisoners rights

QUESTIONS PRESENTED

1. Whether the federal district court could grant habeas or injunctive relief interfering with Schaffer's ongoing state criminal proceedings.
2. Whether Schaffer's claims concerning forced medication and alleged conversion therapy were cognizable in a federal habeas action.
3. Whether the court could convert the habeas petition into a civil rights action under 42 U.S.C. § 1983 without first advising Schaffer of the consequences and providing an opportunity to withdraw or amend.
4. Whether Schaffer's motion to proceed in forma pauperis should be granted when the required initial assessment would exceed the habeas filing fee.

HOLDINGS

1. The court could not interfere with Schaffer's ongoing state criminal proceedings because Younger abstention applied and no extraordinary circumstance was shown. The requests for release and dismissal of the state criminal charges were therefore dismissed without prejudice.
2. Claims challenging conditions of confinement, including forced medication and alleged conversion therapy, did not lie at the core of habeas corpus and could not proceed in this § 2254 action. Such claims should be brought, if at all, under 42 U.S.C. § 1983.
3. The court would not immediately convert the habeas action into a § 1983 action. It required Schaffer to file a written response electing conversion, dismissal of the remaining petition, or voluntary dismissal after being advised of the financial and procedural consequences.

KEY QUOTATIONS

“Under Younger, this Court cannot interfere in the state trial court’s criminal proceedings.” (at 2)

“If the claim ‘does not lie at the ‘core of habeas corpus,’ it may not be brought in habeas corpus but must be brought, ‘if at all,’ under § 1983.” (at 4)

“Before doing so, a district court must advise the prisoner of the consequences of construing a habeas petition as a civil rights complaint and provide an opportunity to withdraw or amend the pleading.” (at 5)

FACTUAL BACKGROUND

Schaffer, a state prisoner, had not yet received a criminal trial in his pending San Francisco County Superior Court case. He sought federal dismissal of the state charges and release based on, among other things, an incompetency finding, alleged entrapment, swatting, illegal surveillance, stalking, and electronic warfare. He

also alleged that he was being forcibly medicated and subjected to conversion therapy related to his transgender identity.

PROCEDURAL HISTORY

Schaffer filed a federal habeas petition seeking dismissal of his pending state criminal charges and release, along with claims concerning forced medication and alleged conversion therapy. The district court dismissed the claims seeking release and dismissal of the state charges without prejudice under Younger abstention principles and denied a related motion to dismiss. The court concluded that the medical and confinement-condition claims were not cognizable in habeas and required Schaffer to elect whether to convert the action into a 42 U.S.C. § 1983 action or dismiss the remaining claims.

DISPOSITION

dismissed

CASES CITED

- Rose v. Hodges, 423 U.S. 19, 21 (1975)
- People v. Schaffer, Case No. CRI-23020851 (San Francisco Cty. Super. Ct. filed Dec. 22, 2023)
- Younger v. Harris, 401 U.S. 37 (1971)
- Mockaitis v. Harclerod, 104 F.3d 1522, 1528 (9th Cir. 1997)
- Gibson v. Berryhill, 411 U.S. 564, 577-79 (1973)
- Arevalo v. Hennessy, 882 F.3d 763, 767 (9th Cir. 2018)
- Betschart v. Oregon, 103 F.4th 607 (9th Cir. 2024)
- Dubinka v. Judges of the Superior Court, 23 F.3d 218, 223 (9th Cir. 1994)
- Edelbacher v. Calderon, 160 F.3d 582, 582-86 (9th Cir. 1998)
- Rose v. Lundy, 455 U.S. 509, 515-16 (1982)
- Bean v. Matteucci, 986 F.3d 1128, 1135-36 (9th Cir. 2021)
- Hill v. McDonough, 547 U.S. 573, 579 (2006)
- Nettles v. Grounds, 830 F.3d 922, 931, 936 (9th Cir. 2016)
- Ramirez v. Galaza, 334 F.3d 850, 859 (9th Cir. 2003)
- Wilwording v. Swenson, 404 U.S. 249, 251 (1971)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
CRAIG RAYMOND SCHAFFER, Case No. 24-cv-04103-PCP 8 Plaintiff, ORDER DISMISSING
PETITION IN PART, REQUIRING PETITIONER TO 9 v. FILE A RESPONSE TO THIS
ORDER, AND DENYING MOTION TO 10 JENNIE CLAY, et al., PROCEED IN FORMA
PAUPERIS 11 Defendants. Re: Dkt. Nos. 1, 7 12 Petitioner Craig Schaffer, a state prisoner
proceeding pro se, has filed a petition for a writ 13 of habeas corpus under 28 U.S.C. § 2254.

Dkt. No. 6. The Petition is now before the Court for review pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases. Mr. Schaffer also has filed a motion to dismiss the state charges, which appears duplicative of the habeas petition, and a motion for permission to proceed in forma pauperis. Dkt. Nos. 1, 7. Mr. Schaffer's motion to proceed in forma pauperis is DENIED because the initial assessment would exceed the filing fee for this habeas petition.

For the reasons given below, the Petition's request for release and for interference in the state criminal trial is DISMISSED, and the motion requesting release is DENIED. Mr. Schaffer must wait until his state criminal proceedings have concluded before seeking relief from those proceedings in a federal court. If Mr. Schaffer wishes to challenge the conditions of his confinement, he must do so in a civil rights action.

Mr. Schaffer must notify the Court in writing whether he wishes the Court to convert this habeas action to a civil rights action. I. Discussion 1 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." 28 U.S.C. § 2254(a); *Rose v. Hodges*, 423 U.S. 19, 21 (1975).

A district court shall "award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. A. Release request Mr. Schaffer asks for the criminal case against him to be dismissed, and for his release, because he believes (1) his commitment became unlawful after he was found incompetent to stand trial, (2) the incompetency finding was incorrect, and (3) his arrest followed entrapment, swatting, illegal surveillance, stalking by an unidentified person, and "electronic warfare." Pet. at 5.

The Petition reveals that Mr. Schaffer's criminal trial is ongoing. See *id.* at 2 (showing Mr. Schaffer has not yet had a criminal trial), 7 (asking this Court to dismiss the ongoing criminal case in state superior court).

In an abundance of caution, the Court searched the records of the California state courts. These records confirmed that Mr. Schaffer's criminal case is ongoing. See *People v. Schaffer*, Case No. CRI-23020851 (San Francisco Cty. Super. Ct. filed Dec. 22, 2023). The federal courts are required to abstain from considering Mr. Schaffer's habeas petition while it is ongoing, and until all state appeals have concluded.

In *Younger v. Harris*, 401 U.S. 37, 18 (1971), the United States Supreme Court held that principles of comity and federalism prohibit a federal court from interfering with ongoing state criminal proceedings by granting injunctive or declaratory relief absent extraordinary circumstances. See *id.* at 43–54. Circumstances which have been found sufficiently "extraordinary" include the lack of an adequate legal remedy in state court for the federal plaintiff, bias in the state court

tribunal, and indefinite detention of the federal 23 plaintiff without a bail hearing or without counsel in the state action.

See *Mockaitis v. Harclerod*, 24 104 F.3d 1522, 1528 (9th Cir. 1997) (discussing the lack of an adequate remedy in state court); 25 *Gibson v. Berryhill*, 411 U.S. 564, 577–79 (1973) (concluding abstention was inappropriate due to 26 the state court judge’s bias); *Arevalo v. Hennessy*, 882 F.3d 763, 767 (9th Cir. 2018) (discussing 27 prolonged detention without a bail hearing); *Betschart v. Oregon*, 103 F.4th 607 (9th Cir.

2024) 1 counsel). Here, Mr. Schaffer does not complain of any such extraordinary circumstances. See 2 generally *Pet. Under Younger*, this Court cannot interfere in the state trial court’s criminal 3 proceedings. 4 *Younger* applies throughout appellate proceedings, requiring that state appellate review of 5 a state court judgment be exhausted before federal court intervention is permitted.

See *Dubinka v. 6 Judges of the Super. Ct.*, 23 F.3d 218, 223 (9th Cir. 1994). *Younger* requires abstention even if the 7 federal habeas petition attacks only the guilt phase of the petitioner’s trial, while the pending state 8 proceeding attacks only the penalty phase. See *Edelbacher v. Calderon*, 160 F.3d 582, 582–86 (9th 9 Cir. 1998).

Thus, Mr. Schaffer cannot seek release from the federal court until his criminal trial 10 has concluded and he has unsuccessfully appealed to the First District Court of Appeal and to the 11 California Supreme Court. See 28 U.S.C. § 2254(b), (c) (explaining the exhaustion requirement); 12 *Rose v. Lundy*, 455 U.S. 509, 515–16 (1982) (same). 13 Mr. Schaffer’s claims for release and for dismissal of his criminal charges are 14 DISMISSED.

This dismissal is without prejudice so that Mr. Schaffer may pursue a federal habeas 15 action once state proceedings have concluded. See 28 U.S.C. § 2244(d) (noting one-year statute of 16 limitations for filing of federal petition for writ of habeas corpus). 17 B. Medical claims 18 Mr. Schaffer also claims that he is being forcibly medicated and forced to undergo 19 “conversion therapy” related to his transgender identity, under which the “state hospital illegally 20 changed [his] sex back to female.” *Pet.* at 5.

These claims do not concern a request for release, and 21 so are not barred by the *Younger* doctrine. See *Bean v. Matteucci*, 986 F.3d 1128, 1135–36 (9th 22 Cir. 2021) (holding *Younger* abstention was not required because the forcible administration of 23 antipsychotic medications on a pretrial detainee constitutes a particularly severe invasion of liberty 24 and the detainee’s right to avoid forcible administration of medications cannot be fully vindicated 25 after trial).

26 Although these claims are not barred by *Younger*, they cannot proceed in this habeas 27 action. “Federal law opens two main avenues to relief on complaints related to imprisonment: a 1 Rev. Stat. § 1979, as amended, 42 U.S.C. § 1983.” *Hill v. McDonough*, 547 U.S. 573, 579 (2006) 2 (citation omitted).

The Ninth Circuit has held that if the claim “does not lie at the ‘core of habeas corpus,’ it may not be brought in habeas corpus but must be brought, ‘if at all,’ under 42 U.S.C. § 1983.” *Nettles v. Grounds*, 830 F.3d 922, 931 (9th Cir. 2016) (emphases added, citations omitted). See also *Ramirez v. Galaza*, 334 F.3d 850, 859 (9th Cir. 2003) (“habeas jurisdiction is absent, and a § 1983 action proper, where a successful challenge to a prison condition will not necessarily shorten the prisoner’s sentence”).

8 Here, Mr. Schaffer’s claims regarding medication and conversion therapy concern the 9 conditions of his confinement and should be brought in an action under § 1983. A district court 10 may construe a habeas petition by a prisoner attacking the conditions of his confinement as a civil 11 rights action under 42 U.S.C. § 1983. See *Wilwording v. Swenson*, 404 U.S. 249, 251 (1971).

12 Before doing so, a district court must advise the prisoner of the consequences of construing a 13 habeas petition as a civil rights complaint and provide an opportunity to withdraw or amend the 14 pleading. See *Nettles*, 830 F.3d at 936. 15 On or before May 30, 2025, Mr. Schaffer must file a written response indicating whether 16 he wishes (i) the Court to convert this § 2254 habeas action into one filed under 42 U.S.C. § 1983; 17 or (ii) for the Court to dismiss the remainder of the Petition.

If Mr. Schaffer prefers neither option, 18 he may file a notice of voluntary dismissal as his response to this order. 19 Before he chooses option (i), to ask the Court to convert this action to a civil rights action 20 under 42 U.S.C. § 1983, Mr. Schaffer should be aware of the following.

The filing fee for a habeas 21 petition is five dollars; for civil rights cases, however, the fee is now \$405.00 (\$350.00 if pauper 22 status is granted) and under the Prisoner Litigation Reform Act the prisoner is required to pay it, 23 even if granted in forma pauperis status, by way of deductions from income to the prisoner’s trust 24 account. See 28 U.S.C. § 1915(b).

A prisoner who might be willing to pay the filing fee for a 25 habeas petition might feel otherwise about a civil rights complaint for which the \$405.00 fee 26 would be deducted from income to his prisoner account. Also, a civil rights complaint which is 27 dismissed as malicious, frivolous, or for failure to state a claim would count as a “strike” under 28 1 barred from in forma pauperis status for all future cases.

2 Mr. Schaffer appears to be represented by counsel in his state criminal trial. See generally 3 *Pet.* (referring to counsel). Mr. Schaffer may wish to consult with his state counsel as to whether 4 his rights are more likely to be vindicated in state or in federal court, and as to whether counsel 5 would be willing to represent him in a civil rights action concerning forced medication and 6 conversion therapy.

7 If Mr. Schaffer chooses option (i), the Court then will set a deadline for him to file a 8 complaint under 42 U.S.C. § 1983, and to file a complete application to proceed in forma pauperis 9 (or pay

the full filing fee). He may also move for appointment of pro bono counsel at that time. 10 II. CONCLUSION 11 Mr. Schaffer's claims requesting release and dismiss of the criminal charges against him 12 are DISMISSED.

Dismissal is without prejudice to Mr. Schaffer filing a new habeas action after 13 his state criminal trial and all state-court appeals have concluded. Mr. Schaffer's motion to dismiss 14 the charges against him is DENIED. 15 On or before May 30, 2025, Mr. Schaffer must file a written response indicating whether 16 he wishes (i) the Court to convert this § 2254 habeas action into one filed under 42 U.S.C. § 1983; 17 or (ii) for the Court to dismiss the remainder of the Petition.

18 Failure to file a response in accordance with this order will result in a finding that 19 further leave to amend would be futile, and this action will be dismissed. For the reasons 20 explained above, this dismissal would be without prejudice. 21 Mr. Schaffer's in forma pauperis application is DENIED because the initial assessment 22 would exceed the filing fee for a habeas action.

See 28 U.S.C. § 1915(b)(1) (requiring a court to 23 assess an initial filing fee of 20 percent of a prisoner's average monthly deposits or monthly 24 balance, whichever is greater). 25 It is Mr. Schaffer's responsibility to prosecute this case. He must keep the Court informed 26 of any change of address by filing a separate paper with the Clerk headed "Notice of Change of 27 Address," and must comply with the Court's orders in a timely fashion.

Failure to do so will result 1 41(b). 2 IT IS SO ORDERED. 3 Dated: March 31, 2025 ey be~ 5 P. Casey Pitt 6 United States District Judge 7 8 9 10 1] as 12 «14 15 16 Oo Z 18 19 20 21 22 23 24 25 26 27 28