

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Andy Lashawn Fortner v. Lake County Jail; Andy Lashawn Fortner
v. Lake County Jail Religious Services

No. 25-cv-02944-JSC; 25-cv-03405-JSC, United States District Court for the Northern District of California
(April 29, 2025)

SUMMARY

The United States District Court for the Northern District of California addresses two habeas petitions filed by Andy Lashawn Fortner challenging conditions of confinement at the Lake County Jail. The court holds that such claims must be brought under 42 U.S.C. § 1983 rather than 28 U.S.C. § 2254, and that the petitions are not amenable to conversion because they name improper defendants. The petitions are dismissed without prejudice, and the Clerk is directed to enter judgment and close the cases.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 29, 2025
DOCKET	25-cv-02944-JSC; 25-cv-03405-JSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Two pro se petitions for writs of habeas corpus under 28 U.S.C. § 2254 were transferred from the Central District of California to the Northern District of California. The court dismissed both petitions without prejudice and directed the Clerk to enter judgment and close the cases.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

- federal habeas corpus
- section 1983
- prisoners rights
- civil procedure
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether claims challenging conditions of confinement, rather than the validity or duration of confinement, must be brought under 42 U.S.C. § 1983 rather than through habeas corpus.
2. Whether the court could recharacterize the habeas petitions as civil rights complaints when the petitions named Lake County Jail and Lake County Jail Religious Services as defendants.
3. Whether the petitions should be dismissed without prejudice and whether a certificate of appealability should issue.

HOLDINGS

1. Claims challenging the conditions of confinement, rather than the validity or duration of the underlying conviction or sentence, do not lie at the core of habeas corpus and must be brought in a civil rights action under 42 U.S.C. § 1983.
2. The court could not recharacterize the petitions as civil rights complaints because they did not name the correct defendants.
3. The petitions were dismissed without prejudice to Fortner filing his claims in civil rights actions under 42 U.S.C. § 1983, and no certificate of appealability issued.

KEY QUOTATIONS

“A § 1983 action is the exclusive vehicle for claims brought by state prisoners that are not within the core of habeas corpus” (at 1)

“If a habeas petition “is amenable to conversion” to a civil rights complaint “on its face, meaning that it names the correct defendants and seeks the correct relief, the court may recharacterize the petition so long as it warns the pro se litigant of the consequences of the conversion and provides an opportunity for the litigant to withdraw or amend his or her [petition].”” (at 2)

“The instant actions are not “amenable to conversion” to civil rights cases because Petitioner has not named the “correct defendants” for civil rights claims.” (at 2)

FACTUAL BACKGROUND

Fortner, an inmate at the Lake County Jail, filed two petitions under 28 U.S.C. § 2254 concerning the conditions of his confinement rather than the validity or duration of his conviction or sentence. In one petition he named Lake County Jail as the defendant; in the other he named Lake County Jail Religious Services. The court determined that neither named defendant was the proper municipal entity or an individual official capable of being sued on the conditions-of-confinement claims.

PROCEDURAL HISTORY

Fortner filed two habeas petitions challenging conditions of confinement at the Lake County Jail. The Central District transferred the cases to the Northern District of California. This court concluded that the claims

belonged in civil rights actions under 42 U.S.C. § 1983, but declined to recharacterize the petitions because the named defendants were not proper suable entities.

DISPOSITION

dismissed

CASES CITED

- Nettles v. Grounds, 830 F.3d 922, 927, 929 (9th Cir. 2016) (en banc)
- Muhammad v. Close, 540 U.S. 749, 750 (2004) (per curiam)
- Slack v. McDaniel, 529 U.S. 473, 484-85 (2000)

OPINION

Andy Lashawn Fortner v. Lake County Jail Religious Services
PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 ANDY LASHAWN FORTNER, Case No. 25-cv-02944-JSC Plaintiff, Case No. 25-cv-03405-
JSC 8 v.

9 ORDER DIRECTING CLERK TO

10 LAKE COUNTY JAIL, RECLASSIFY AND REASSIGN CASES

Defendant. 11 12

13 ANDY LASHAWN FORTNER,
Plaintiff, 14 v. 15

16 LAKE COUNTY JAIL RELIGIOUS
SERVICES,

17 Defendant. 18

INTRODUCTION

19 Plaintiff, an inmate in the Lake County Jail proceeding without representation by an 20
attorney, filed these two petitions for a writ of habeas corpus under 28 U.S.C. § 2254 in the United
21 States District Court for the Central District of California. The Central District transferred these
22 cases to this court.1 23

DISCUSSION

24 In the petitions, Petitioner challenges the conditions of his confinement at the Lake County 25
Jail, and not his conviction or sentence. “A § 1983 action is the exclusive vehicle for claims 26 27
1 The Central District also transferred at least four other actions by Plaintiff to this district because
1 brought by state prisoners that are not within the core of habeas corpus,” which are claims that 2
“necessarily challenge the validity or duration of the underlying conviction or sentence.” Nettles 3

v. Grounds, 830 F.3d 922, 927, 929 (9th Cir. 2016) (en banc); see also Muhammad v. Close, 540 U.S. 749, 750 (2004) (per curiam) (“Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus; requests for relief turning on circumstances of confinement may be presented in a [42 U.S.C.] § 1983 [civil rights] action.”). As the instant petitions challenge conditions of Petitioner’s confinement, and not its “validity or duration,” his claims do not lie at the “core of habeas corpus.” See Nettles, 830 F.3d at 927, 929. Therefore, Petitioner’s claims must be brought in a civil rights complaint. If a habeas petition “is amenable to conversion” to a civil rights complaint “on its face, meaning that it names the correct defendants and seeks the correct relief, the court may recharacterize the petition so long as it warns the pro se litigant of the consequences of the conversion and provides an opportunity for the litigant to withdraw or amend his or her [petition].” Id. at 936 (internal quotation and citations omitted). In the two instant petitions, however, Petitioner does not name the correct defendants. In Case No. 25-2944 JSC (PR), the petition simply names “Lake County Jail” as a defendant (ECF No. 1); the jail itself is not a legal entity, it is simply the facility in which Lake County houses inmates. The municipal entity that runs the jail (Lake County), or the individual officials who work there, not the jail itself, are the correct defendants on claims challenging the conditions of confinement at the jail. Similarly, in Case No. 25-3405 JSC (PR), Petitioner names “Lake County Jail Religious Services” as a defendant (ECF No. 1),² which is also not a municipal entity that can be sued. The instant actions are not “amenable to conversion” to civil rights cases because Petitioner has not named the “correct defendants” for civil rights claims. See Nettles, 830 F.3d at 836.

24 CONCLUSION

25 For the above reasons, these petitions are DISMISSED without prejudice to Petitioner 26 filing his claims in civil rights actions under 42 U.S.C. § 1983. No certificate of appealability will 27 1 be issued under 28 U.S.C. § 2253(c)(1)(A) because “jurists of reason” would not “find it debatable 2 || whether the district court was correct” in ruling that Petitioner must bring his claims in a civil 3 rights action, not in a habeas petition. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000). 4 The clerk shall enter judgments and close the files. 5 IT IS SO ORDERED. 6 || Dated: April 29, 2025 7 ’ ne 8

ACQUELINE SCOTT CORL

9 United States District Judge 10 11 a 12 15 16 it 4 18 19 20 21 22 23 24 25 26 27 28