

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)

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 4
U.S. 749, 750 (2004) (per curiam) (“Challenges to the validity of any confinement or to

particulars 5 affecting its duration are the province of habeas corpus; requests for relief turning on 6 circumstances of confinement may be presented in a [42 U.S.C.] § 1983 [civil rights] action.”). 7 As the instant petitions challenge conditions of Petitioner’s confinement, and not its “validity or 8 duration,” his claims do not lie at the “core of habeas corpus.” See *Nettles*, 830 F.3d at 927, 929. 9 Therefore, Petitioner’s claims must be brought in a civil rights complaint. 10 If a habeas petition “is amenable to conversion” to a civil rights complaint “on its face, 11 meaning that it names the correct defendants and seeks the correct relief, the court may 12 recharacterize the petition so long as it warns the pro se litigant of the consequences of the 13 conversion and provides an opportunity for the litigant to withdraw or amend his or her 14 [petition].” *Id.* at 936 (internal quotation and citations omitted). In the two instant petitions, 15 however, Petitioner does not name the correct defendants. In Case No. 25-2944 JSC (PR), the 16 petition simply names “Lake County Jail” as a defendant (ECF No. 1); the jail itself is not a legal 17 entity, it is simply the facility in which Lake County houses inmates. The municipal entity that 18 runs the jail (Lake County), or the individual officials who work there, not the jail itself, are the 19 correct defendants on claims challenging the conditions of confinement at the jail. Similarly, in 20 Case No. 25-3405 JSC (PR), Petitioner names “Lake County Jail Religious Services” as a 21 defendant (ECF No. 1),² which is also not a municipal entity that can be sued. The instant actions 22 are not “amenable to conversion” to civil rights cases because Petitioner has not named the 23 “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