

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Tracy S. Smith v. Santa Clara County

Smith v. Santa Clara County, No. 25-cv-02674-RFL (N.D. Cal. May 28, 2025) · No. 25-cv-02674-RFL ·
Decided May 28, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed without prejudice a habeas petition because the petitioner’s claims concerning jail conditions and property were properly brought under 42 U.S.C. § 1983. The court granted in forma pauperis status, declined to issue a certificate of appealability, and directed the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Rita F. Lin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 28, 2025
DOCKET	25-cv-02674-RFL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a habeas petition under 28 U.S.C. § 2254 challenging conditions of confinement and moved to proceed in forma pauperis.
STANDARD OF REVIEW	The court reviewed the habeas petition to determine whether the claims were cognizable under 28 U.S.C. § 2254 and whether a certificate of appealability should issue.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Tracy S. Smith v. Santa Clara County

TOPICS

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

PRACTICE AREAS

- habeas corpus
- prisoner civil rights
- federal civil procedure

QUESTIONS PRESENTED

1. Whether claims challenging jail conditions, including cell assignment, law-library access, and seizure of property, are cognizable in a habeas action under 28 U.S.C. § 2254.
2. Whether the district court should construe the habeas petition as a civil rights complaint under 42 U.S.C. § 1983.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. Challenges to the terms and conditions of confinement are not the proper subject of a habeas action and must be brought as a civil rights action under 42 U.S.C. § 1983.
2. Although a district court may construe a habeas petition as a civil rights action, it is not required to do so.
3. A certificate of appealability will not issue because Petitioner did not show that reasonable jurists would debate whether the petition states a valid constitutional claim or whether the district court's procedural ruling was correct.

KEY QUOTATIONS

“His claims are not the proper subject of a habeas action, but must be brought as a civil rights action under 42 U.S.C. § 1983.” (at 1)

“Although a district court may construe a habeas petition as a civil rights action, it is not required to do so.” (at 2)

FACTUAL BACKGROUND

The petition sought relief from state convictions but alleged that county jail officials denied Petitioner a single cell, failed to provide sufficient law-library access, and took his electronic tablet. The court treated these allegations as challenges to the terms and conditions of confinement rather than challenges to the legality or duration of confinement.

PROCEDURAL HISTORY

Smith filed a petition styled as a habeas action seeking relief concerning a single-cell assignment, law-library access, and seizure of an electronic tablet by county jail officials. The district court concluded that these claims challenge conditions of confinement and therefore belong in a civil rights action under 42 U.S.C. § 1983. The court declined to convert the petition, dismissed the action without prejudice, granted in forma pauperis status, denied a certificate of appealability, and directed the Clerk to enter judgment and close the file.

DISPOSITION

dismissed

CASES CITED

- *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991)
- *Crawford v. Bell*, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979)
- *Wilwording v. Swenson*, 404 U.S. 249, 251 (1971)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)

OPINION

Smith v. Santa Clara County

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TRACY S. SMITH, Case No. 25-cv-02674-RFL Petitioner,

ORDER OF DISMISSAL WITHOUT

v. PREJUDICE

SANTA CLARA COUNTY, Re: Dkt. No. 4 Respondent. This action was filed as a habeas petition under 28 U.S.C. § 2254 for relief from state convictions. A review of the petition, however, shows that Petitioner wishes to sue county jail officials for denying him a single cell, not providing sufficient law library access, and taking his electronic tablet. (Dkt. No. 1 at 6-8, 10-12.) His claims are not the proper subject of a habeas action, but must be brought as a civil rights action under 42 U.S.C. § 1983. See *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (habeas corpus proceedings are the proper mechanism for a prisoner to challenge the legality or duration of confinement); *Crawford v. Bell*, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming dismissal of habeas petition on basis that challenges to terms and conditions of confinement must be brought in civil rights complaint). In an appropriate case, a habeas petition may be construed as a section 1983 complaint. *Wilwording v. Swenson*, 404 U.S. 249, 251 (1971). Although a district court may construe a habeas petition as a civil rights action, it is not required to do so. Since the time when the *Wilwording* case was decided, there have been significant changes in the law. For instance, the filing fee for a habeas petition is five dollars; for civil rights cases, however, the fee is now \$405 (\$350 if pauper status is granted) and under the Prisoner Litigation Reform Act the prisoner is required to pay it, even if granted in forma pauperis status, by way of deductions from income to the prisoner's trust account. See 28 U.S.C. § 1915(b). A prisoner who might be willing to file a habeas petition for which he or she would not have to pay a filing fee might feel otherwise about a civil rights complaint for which the \$405 fee would be deducted from income to his or her prisoner account. Also, a civil rights complaint that is dismissed as malicious, frivolous, or for failure to state a claim would count as a "strike" under 28 U.S.C. § 1915(g), which is not true for habeas cases. Accordingly, under the current law, there may be reasons why a petitioner would prefer not to have his habeas petition construed as a section 1983 action. In view of these potential pitfalls for Petitioner if his petition were construed as a civil rights complaint, the case is DISMISSED without prejudice to Petitioner filing a civil rights action if he wishes to do so. A

certificate of appealability will not issue. Petitioner has not shown “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Petitioner’s motion to proceed in forma pauperis is GRANTED. (Dkt. No. 4.) The Clerk shall enter judgment in favor of Respondent and close the file. IT IS SO ORDERED. Dated: May 28, 2025

BAEZ

RITA F. LIN

United States District Judge