

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Corderro Donte Miller v. Jason Schultz

Miller v. Schultz · No. 2:25-cv-02015 SCR P · Decided December 22, 2025

SUMMARY

The document is a magistrate judge’s order and findings and recommendations in a prisoner civil rights action under 42 U.S.C. § 1983. The court concludes that the plaintiff’s challenge to the denial or revocation of good-time credits, and request for immediate parole, must be pursued through habeas corpus rather than a § 1983 action. It recommends dismissal without prejudice and without leave to amend and denial of the motion to proceed in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 22, 2025
DOCKET	2:25-cv-02015 SCR P
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights complaint under 42 U.S.C. § 1983 screened under 28 U.S.C. § 1915A; magistrate judge issued findings and recommendations recommending dismissal without prejudice and without leave to amend, denial of in forma pauperis status, and dismissal of the action.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. For failure to state a claim, the complaint must contain sufficient factual matter to state a facially plausible claim; allegations are accepted as true and construed in the plaintiff's favor at screening.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Corderro Donte Miller v. Jason Schultz

TOPICS

federal habeas corpus

section 1983

prisoners rights

procedural due process

civil procedure

PRACTICE AREAS

prisoner civil rights

habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether a state prisoner may use a § 1983 action to obtain injunctive relief restoring or awarding good-time credits when that relief would affect the duration of confinement or parole eligibility.
2. Whether the court should convert the § 1983 complaint into a federal habeas petition.
3. Whether the complaint stated a claim warranting leave to proceed in forma pauperis and amendment after statutory screening.

HOLDINGS

1. A state prisoner seeking injunctive relief against the denial or revocation of good-time credits must proceed in habeas corpus rather than under § 1983.
2. The court should not convert the complaint into a habeas petition because plaintiff's intent to bring habeas relief was not clear and the proposed habeas claim appeared unlikely to be cognizable and potentially unexhausted.
3. The complaint should be dismissed without prejudice and without leave to amend for failure to state a claim under § 1983, and the motion to proceed in forma pauperis should be denied.

KEY QUOTATIONS

“a state prisoner seeking injunctive relief against the denial or revocation of good-time credits must proceed in habeas corpus, and not under § 1983.” (at 1)

“Plaintiff’s complaint (ECF No. 1) be dismissed without leave to amend for failure to state a claim” (at 4)

FACTUAL BACKGROUND

Miller was incarcerated at California State Prison, Sacramento, and sued Warden Jason Schultz. He alleged that prison officials failed to restore or award good-time credits after periods of discipline-free behavior and improperly deducted more credits than permitted by California law. He sought restoration of the credits and immediate parole, asserting that restoration would result in his immediate release or an earlier parole date.

PROCEDURAL HISTORY

Plaintiff, a California state prisoner proceeding pro se, filed a § 1983 complaint against the warden alleging denial and revocation of good-time credits and seeking restoration of those credits and immediate parole. The magistrate judge screened the complaint and concluded that the requested relief necessarily challenged the duration or execution of confinement and therefore had to be pursued in habeas corpus rather than under § 1983. The court recommended dismissal without prejudice and without leave to amend, denial of the in forma pauperis motion, and dismissal of the action, while allowing objections to be filed with the assigned district judge.

DISPOSITION

other

CASES CITED

- *Tripati v. First Nat'l Bank & Tr.*, 821 F.2d 1368, 1370 (9th Cir. 1987)
- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-557, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007)
- *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)
- *Wolff v. McDonnell*, 418 U.S. 539, 556-57 (1974)
- *Bergen v. Spaulding*, 881 F.2d 719, 721 (9th Cir. 1989)
- *Nonnette v. Small*, 316 F.3d 872, 875 (9th Cir. 2002)
- *Preiser v. Rodriguez*, 411 U.S. 475, 489 (1973)
- *Trimble v. City of Santa Rosa*, 49 F.3d 583, 586 (9th Cir. 1995)
- *Swarthout v. Cooke*, 562 U.S. 216, 220 (2011)
- *Estelle v. McGuire*, 502 U.S. 62, 67 (1991)
- *Robison v. CDCR*, No. 2:18-cv-0441 AC P, 2018 WL 6329661, at *3 (E.D. Cal. Dec. 4, 2018)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 CORDERRO DONTE MILLER, No. 2:25-cv-02015 SCR P 12 Plaintiff, 13
v. ORDER AND 14 JASON SCHULTZ, FINDINGS & RECOMMENDATIONS 15 Defendant. 16
17 Plaintiff is incarcerated in state prison and proceeding pro se with a civil rights action 18 under
42 U.S.C. § 1983. Plaintiff's complaint is before the undersigned for screening under 28 19 U.S.C.
§ 1915A.

Plaintiff has also requested leave to proceed in forma pauperis under 28 U.S.C. 20 § 1915. ECF
No. 2. 21 As explained below, Plaintiff's request for injunctive relief – specifically, an order 22
overturning the denial and revocation of his earned good-time credits – must be brought in 23
habeas, not a civil rights complaint under § 1983.

Therefore, the undersigned recommends the 24 complaint be dismissed without prejudice and
without leave to amend for failure to state a claim. 25 For the same reasons, it is recommended
that plaintiff's motion to proceed in forma pauperis be 26 denied. See *Tripati v. First Nat'l Bank &*
Tr., 821 F.2d 1368, 1370 (9th Cir. 1987) (“A district 27 court may deny leave to proceed in forma

pauperis at the outset if it appears from the face of the 28 proposed complaint that the action is frivolous or without merit.”).

1 STATUTORY SCREENING 2 The court is required to screen complaints brought by prisoners seeking relief against “a 3 governmental entity or officer or employee of a governmental entity.” 28 U.S.C. § 1915A(a). In 4 performing this screening function, the court must dismiss any claim that “(1) is frivolous, 5 malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief 6 from a defendant who is immune from such relief.” Id. § 1915A(b).

A claim is legally frivolous 7 when it lacks an arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325 8 (1989). The court may dismiss a claim as frivolous if it is based on an indisputably meritless 9 legal theory or factual contentions that are baseless. *Neitzke*, 490 U.S. at 327.

The critical 10 inquiry is whether a constitutional claim, however inartfully pleaded, has an arguable legal and 11 factual basis. See *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989). 12 In order to avoid dismissal for failure to state a claim a complaint must contain more than 13 “naked assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause 14 of action.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-557 (2007).

In other words, 15 “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory 16 statements do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A claim upon which the 17 court can grant relief has facial plausibility. *Twombly*, 550 U.S. at 570. “A claim has facial 18 plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable 19 inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678.

When 20 considering whether a complaint states a claim, the court must accept the allegations as true, 21 *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007), and construe the complaint in the light most 22 favorable to the plaintiff, *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974). 23 PLAINTIFF’S COMPLAINT 24 Plaintiff is incarcerated in California State Prison, Sacramento (“CSP-Sac”).

ECF No. 1 25 at 1. The complaint names one defendant, CSP-Sac Warden Jason Schultz. Id. at 2. Plaintiff 26 alleges prison officials violated his due process rights by denying “restoration” of his good-time 27 credits after he had been discipline-free for 90 days or more. Id. at 3. Prison officials failed to 28 apply to his sentence earned milestone completions that were approved on March 13, 2025.

Id. 1 Plaintiff claims that restoration of his good-time credits will lead to his immediate release and 2 grant a speedier parole than the current date of May 20, 2027. Id. There are four different RVRs 3 and each docked 121 days or more. Id. at 6. Plaintiff claims that under Cal. Penal Code § 4 2932(a)(4)(4), no more than 30 days of credit may be lost for a single act of misconduct.

Id. 5 Plaintiff alleges an injury of permanent mental health damage. ECF No. 1 at 6. He does 6 not seek any monetary damages. Instead, he seeks an order to “restore all good-conduct credits 7 that were illegally forfeited” and “grant immediate parole.” Id. at 3, 6. 8 DISCUSSION 9 The undersigned construes plaintiff’s complaint as rising two separate types of procedural 10 due process claims under the Fourteenth Amendment related to good-time credits.

First, he 11 alleges that he earned good-time credits for 90 days of good behavior, but defendant never 12 awarded them. Second, at the very end of the complaint in the request for relief (ECF No. 1 at 6), 13 he appears to allege that he received RVR punishments that exceeded the number of good-time 14 credits that can be deducted under state law. 15 Persons incarcerated in California prisons have a protected liberty interest in good-time 16 credits, provided they earned the credits under applicable state laws.

See *Wolff v. McDonnell*, 17 418 U.S. 539, 556-57 (1974); *Bergen v. Spaulding*, 881 F.2d 719, 721 (9th Cir. 1989); see also 18 Cal. Code Regs., tit. 15, § 3043 (“[A]ll incarcerated persons who participate in approved 19 rehabilitative programs and activities... shall be eligible to earn Milestone Completion 20 Credit[.]”).

Therefore, persons incarcerated in California prisons are entitled to the “minimum 21 procedures appropriate under the circumstances and required by the Due Process Clause” to 22 ensure that prison officials do not arbitrarily deny state-created rights to good-time credits. See 23 *Wolff*, 418 U.S. at 557. 24 Although prison officials cannot deprive plaintiff of his earned good-time credits without 25 due process, it is well-established that “a state prisoner seeking injunctive relief against the denial 26 or revocation of good-time credits must proceed in habeas corpus, and not under § 1983.” 27 *Nonnette v. Small*, 316 F.3d 872, 875 (9th Cir.

2002) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 28 489 (1973)). As this is the precise type of injunctive relief that plaintiff seeks here, his claim does 1 not sound in § 1983 and must be brought in a habeas petition. 2 The circumstances do not warrant conversion of plaintiff’s § 1983 complaint into a habeas 3 petition. See *Trimble v. City of Santa Rosa*, 49 F.3d 583, 586 (9th Cir.

1995) (“When the intent 4 to bring a habeas petition is not clear, however, the district court should not convert a defective 5 section 1983 claim into a habeas petition.”). For one, plaintiff’s challenge to the denial of good- 6 time credits is unlikely to state a cognizable federal habeas claim. “[F]ederal habeas corpus 7 relief does not lie for errors of state law.” *Swarthout v. Cooke*, 562 U.S. 216, 220 (2011) 8 (quoting *Estelle v. McGuire*, 502 U.S. 62, 67 (1991)); see also *Robison v. CDCR*, No. 2:18-cv- 9 0441 AC P, 2018 WL 6329661, at *3 (E.D.

Cal. Dec. 4, 2018) (declining to convert plaintiff’s § 10 1983 complaint challenging denial of milestone credits to a habeas petition and recommending 11 dismissal without prejudice), report

and recommendation adopted, No. 2:18-cv-0441 JAM AC P 12 (E.D. Cal. Apr. 17, 2019). Further, it does not appear that plaintiff exhausted state court remedies. See 28 U.S.C. § 2254(b).

14 Accordingly, because plaintiff's complaint fails to cognizable claim for relief under § 15 1983, the undersigned recommends it be dismissed without prejudice and without leave to amend. 16 Plaintiff is instructed that his claim must be addressed in a habeas petition and not in a civil rights 17 claim under 42 U.S.C. § 1983. 18 CONCLUSION 19 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly 20 assign a District Judge to this action.

21 IT IS FURTHER RECOMMENDED that: 22 1. Plaintiff's complaint (ECF No. 1) be dismissed without leave to amend for failure 23 to state a claim; 24 2. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) be denied; and 25 3.

The case be dismissed in its entirety without prejudice to renewal in an appropriate 26 action. 27 These findings and recommendations are submitted to the United States District Judge 28 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days 1 | after being served with these findings and recommendations, plaintiff may file written objections 2 || with the court.

Such a document should be captioned "Objections to Magistrate Judges Findings 3 || and Recommendations." Plaintiff is advised that failure to file objections within the specified 4 | time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 5 || (Oth Cir. 1991). 6 | DATED: December 19, 2025 8 SEAN C. RIORDAN 9 UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28