UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Andre Kenneth Stuckey Jr.,)
Petitioner,) Case: 1:15-cv-00860 (G Deck)
V.	Assigned To : Unassigned Assign. Date : 6/9/2015 Description: Habeas Corpus/2254
Warden Martin D. Biter et al.,)
Respondents.)

MEMORANDUM OPINION

Petitioner, proceeding *pro se*, is a California state prisoner incarcerated in Delano,
California. He has submitted a form captioned "Petition Under 28 U.S.C. § 2254 for Writ of
Habeas Corpus by a Person in State Custody" and an application to proceed *in forma pauperis*.

Despite the form's caption, the stated ground for relief is that "the respondent is refusing to give the petitioner copies of his book for civil litigation purposes." Pet. at 4 (page numbers supplied).

In his "Prayer for Relief," petitioner seeks issuance of "a writ of habeas corpus and thereafter order the Prisons Foundation [a named respondent] to send [him] a free copy of his three books .

. . . that were all published by Prisons Foundation." *Id.* at 10.

"[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Accordingly, "a district court shall entertain an application for a writ of habeas corpus in behalf of a person in 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. The allegations comprising the instant petition

and the requested relief are not within the province of habeas. Hence, this case will be dismissed. A separate Order of dismissal accompanies this Memorandum Opinion.

DATE: June <u>8</u>, 2015

United States District Judge