

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FEB 27 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JAMES SNYDER,

Petitioner-Appellant,

v.

AL RAMIREZ, Warden; et al.,

Respondents-Appellees.

No. 23-35057

D.C. No. 1:22-cv-00311-REP
District of Idaho,
Boise

ORDER

Before: CANBY, M. SMITH, and BRESS, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the district court has not issued any orders that are final or appealable. *See* 28 U.S.C. § 1291. Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

JAMES SNYDER,

Petitioner,

v.

AARON KRIEGER¹,

Respondent.

Case No. 1:22-cv-00311-REP

ORDER

Petitioner is proceeding pro se in this habeas corpus matter. Petitioner has filed three motions and a new petition. The Court will address each in turn.

1. Motion to Stay Judgment

In his Motion to Stay Judgment, Petitioner complains of the conditions of his confinement. If Petitioner seeks to challenge such conditions, he must file a new, separate civil rights lawsuit. *See Nettles v. Grounds*, 830 F.3d 922, 931 (9th Cir. 2016) (en banc) (“[I]f a state prisoner’s claim does not lie at the core of habeas corpus, it may not be brought in habeas corpus but must be brought, if at all, under [42 U.S.C.] § 1983.”) (internal quotation marks and citations omitted).

¹ Respondent Aaron Krieger is substituted for his predecessor, Al Ramirez, as warden of the facility in which Petitioner is confined. *See* Rule 2(a) of the Rules Governing § 2254 Cases; Fed. R. Civ. P. 25(d).

To the extent Petitioner asks the Court to intervene and overturn Petitioner's state court criminal judgment, the Court must deny the motion as premature because the Court has not yet considered Petitioner's claims.

2. Motion to Vacate and Order Release

In his "Motion to Vacate Sentence, Order Suppression Hearing, Order Release," Petitioner attempts to raise a double jeopardy claim and asks that the Court vacate his criminal conviction. The Court must deny this motion as premature—once again, the Court will not order the release of Plaintiff before final adjudication of the Petition. If Plaintiff intends to amend his petition, he must file a motion to amend and include a copy of the proposed amended petition.

3. Petitioner's Complaint of Judicial Misconduct

Petitioner filed a document entitled Complaint: Judicial Misconduct, which the Court construes as a request to sanction the state court judge who presided over Plaintiff's criminal case. The request will be denied because this Court has no authority to do so. Plaintiff must seek his requested relief within the Idaho state system.

4. New Petition for Writ of Habeas Corpus

In a new document entitled "Petition for Habeas Corpus," Petitioner appears to challenge his criminal conviction in Washington state court. However, the Court lacks authority to entertain that challenge. *See 28 U.S.C. § 2241(a)* ("Writs of habeas corpus may be granted by ... the district courts ... *within their respective jurisdictions.*" (emphasis added). Moreover, Petitioner cannot challenge the judgments of two different courts in a single habeas corpus proceeding. *See Rule 2(e) of the Rules Governing*

Section 2254 Cases (“A petitioner who seeks relief from judgments of more than one state court must file a separate petition covering the judgment or judgments of each court.”). If Petitioner intends to challenge his Washington state conviction, he must file a petition in a federal court in Washington State.

ORDER

IT IS ORDERED:

1. Petitioner’s Motion to Stay Judgment (Dkt. 18) is DENIED.
2. Petitioner’s Motion to Vacate Sentence, Order Suppression Hearing, Order Release (Dkt. 19) is DENIED.
3. Petitioner’s Complaint: Judicial Misconduct (Dkt. 27), construed as a motion to sanction a state court judge, is DENIED.

DATED: January 13, 2023



Raymond Patricco
Honorable Raymond E. Patricco
Chief U.S. Magistrate Judge

**Additional material
from this filing is
available in the
Clerk's Office.**