

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRANCE GRISSOM,

Petitioner,

v.

MICHAEL MEISNER,
Warden, Columbia Correctional Institution,

Respondent.

ORDER

12-cv-45-bbc

Petitioner Terrance Grissom, a prisoner at the Columbia Correctional Institution, has filed a pleading he styles as a petition for writ of habeas corpus brought under 28 U.S.C. § 2254. In his petition, petitioner states that prison officials have sexually assaulted him and failed to treat his mental health problems. Because petitioner's claims concern the conditions of his confinement and not the length or duration of his incarceration, the claims are not properly raised in a habeas corpus action. Rather, they belong in a civil action brought under 42 U.S.C. § 1983.

In a March 7, 2012 order in this case, I explained that this court will not automatically convert erroneously labeled habeas petitions into § 1983 actions because it is not possible to know whether the petitioner filed the action as a habeas proceeding in order to avoid various limitations that would apply to civil actions. I gave petitioner until March 15, 2012 to inform the court in writing whether he wants this case to be treated as a § 1983

action or as a petition for a writ of habeas corpus, adding, “If petitioner fails to advise the court of his preference for treatment of his pleading, I will treat his action as a habeas corpus action and dismiss the action on the ground that he has not alleged facts entitling him to habeas corpus relief.” Dkt. #9. Petitioner has not responded to the March 7 order. Accordingly, this action is DISMISSED for petitioner’s failure to allege facts entitling him to habeas corpus relief.

Entered this 16th day of April, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge