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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM H. COLLIER, JR.,

CASE NO. 1:11-cv-00270-LJO-GBC (PC)

Plaintiff,

v.

J. DREHER, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION
PROCEED ONLY AGAINST DEFENDANTS
DREHER AND RECOMMENDING THAT
ALL OTHER CLAIMS AND DEFENDANTS
BE DISMISSED

OBJECTIONS, IF ANY, DUE IN 15 DAYS

Plaintiff William H. Collier, Jr. is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. Plaintiff filed the complaint on February 14, 2011. Doc. 1. On October 26, 2012, the Court screened Plaintiff's first amended complaint pursuant to 28 U.S.C. § 1915A, and found that stated a cognizable Due Process claim and access to courts claim against Defendant J. Dreher stemming from intentionally falsifying a document relied upon in determining the length of Plaintiff's prison sentence and preventing Plaintiff to mail an objection in another action which led to the action being dismissed. Doc. 13. The Court ordered Plaintiff to either address the shortcomings of the complaint through amendment or to notify the Court of his willingness to proceed on the cognizable claims. Doc. 13. On November 26, 2012, Plaintiff stated that he did not wish to file an amended complaint and gave notice of his willingness to proceed on the cognizable claims against Defendant J. Dreher. Doc. 14.

1 Based on the foregoing, it is HEREBY RECOMMENDED that:

- 2 1. This action proceed against Defendant J. Dreher on Due Process claim and access to
3 courts claims; and
- 4 2. All remaining claims and Defendants: 1) H.S. Rios, Jr. (Warden at USPA); 2)
5 Regional Director; 3) Paul R. A. Howard (Parole Commission); and 4) General
6 Counsel, be dismissed from this action.

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8 These Findings and Recommendations will be submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fifteen (15)
10 days after being served with these Findings and Recommendations, Plaintiff may file written
11 objections with the Court. The document should be captioned "Objections to Magistrate Judge's
12 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
13 specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d
14 1153 (9th Cir. 1991).

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16 IT IS SO ORDERED.

17 Dated: November 28, 2012

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19 UNITED STATES MAGISTRATE JUDGE