

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 15-10157
Non-Argument Calendar

D.C. Docket No. 2:12-cv-01791-WMA-TMP

MICHAEL O. DEVAUGHN,

Petitioner-Appellant,

versus

U.S. MARSHALS SERVICE,
SHERIFF OF JEFFERSON COUNTY JAIL,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Alabama

(April 14, 2016)

Before TJOFLAT, HULL and JILL PRYOR, Circuit Judges.

PER CURIAM:

Michael DeVaughn, a pro se California state prisoner, filed this action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388, 91 S. Ct. 1999 (1971), alleging statutory violations in connection with his arrest by the United States Marshals Service and seeking injunctive relief to remove a federal detainer issued by the U.S. Parole Commission. The government moved to dismiss DeVaughn's Bivens complaint. The Magistrate Judge's Report and Recommendation recommended dismissing without prejudice DeVaughn's Bivens complaint, also construed as a 28 U.S.C. § 2241 habeas corpus petition, because, inter alia, DeVaughn was incarcerated in California and the federal detainer was issued in Virginia. The district court agreed and dismissed DeVaughn's complaint without prejudice.

DeVaughn appeals the district court's dismissal of his complaint. After review, we affirm the district court's dismissal without prejudice and find no reversible error in the Magistrate Judge's Report and Recommendation, which the district court adopted.

AFFIRMED.