

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

JERMAINE DUANE IRVIN  
Reg. #45966-177

PETITIONER

v. **No. 2:18-cv-179-DPM**

**DEWAYNE HENDRIX, Warden, FCI-  
Forrest City Medium; GENE BEASLEY,  
Former Warden, Federal Bureau of Prisons;  
C.V. RIVERA, Former Warden, Federal Bureau  
Of Prisons; S. ROBERTS, Inmate Records  
Supervisor, Forrest City Correctional Complex -  
Medium; DEE ANDERSON, Sheriff, Tarrant  
County Texas; JOSHUA BURGESS, Assistant  
U.S. Attorney, Department of Justice, Fort  
Worth Division; SHAWN SMITH, Assistant  
U.S. Attorney, Department of Justice, Fort  
Worth Division; and JEFF SESSION, U.S.  
Attorney General**

RESPONDENTS

**ORDER**

On *de novo* review, the Court adopts the recommendation, *No* 3, and overrules Irvin's objection, *No* 4. FED. R. CIV. P. 72(b)(3). Irvin's claim would fare no better as a *Bivens* claim. *E.g., Clay v. Missouri*, 2014 WL 260097 (E.D. Mo. 2014). His motion to amend, *No* 4, is therefore denied. The petition will be dismissed without prejudice. Irvin's motion for leave to proceed *in forma pauperis*, *No* 1, is denied as moot.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

7 January 2019