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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PERRY ADRON MCCULLOUGH,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

CASE NO. 1:06-cv-00563-OWW-GBC PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DISMISSING CERTAIN DEFENDANTS AND
CLAIMS AND REFERRING CASE BACK TO
MAGISTRATE TO INITIATE SERVICE OF
PROCESS

(Docs. 86, 88)

Plaintiff Perry Adron McCullough (“Plaintiff”) 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. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 6, 2010, the Magistrate Judge issued [findings and recommendations](#) recommending that certain defendants and claims be dismissed from the action for failure to state a claim. The parties were given thirty days within which to file objections, and on December 20, 2010, Plaintiff filed an [objection](#). (Doc. 88).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations, filed December 6, 2010, are adopted in full;
- 3 2. This action shall proceed on Plaintiff's second amended complaint, filed March 30,
- 4 2009, against Defendant Federal Bureau of Prisons for a violation of the Privacy Act
- 5 and against Defendants Andrews, Bianco, Bucholz, Craig, Cruz, Dougherty, Gardner,
- 6 Holm, Pendleton, Puentes, Steward, Stiefert, and Toews for retaliation in violation
- 7 of the First Amendment;
- 8 3. Plaintiff's Privacy Act claim against Defendant Andrews, Bianco, Bucholz, Craig,
- 9 Cruz, Dougherty, Gardner, Holm, Pendleton, Puentes, Steward, Stiefert, and Toews
- 10 is dismissed, with prejudice, for failure to state a claim;
- 11 4. Plaintiff's retaliation claim against Federal Bureau of Prisons is dismissed, with
- 12 prejudice for failure to state a claim;
- 13 5. Defendant Wackenhut Corrections Corporation is dismissed from this action, with
- 14 prejudice, for failure to state a claim;
- 15 6. Any remaining claims and Defendants are dismissed for failure to state a claim; and
- 16 7. This matter is referred back to the Magistrate Judge to initiate service of process.
- 17

18 IT IS SO ORDERED.

19 **Dated: December 29, 2010**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE