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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DAVID L. STRATMON,

12 Plaintiff,

13 vs.

14 M. TUCKER, et al.,

15 Defendants.
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1:12-cv-01837-LJO-GSA-PC

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION
PROCEED ONLY AGAINST DEFENDANT
MORRIS FOR RETALIATION AND
INTERFERENCE WITH INCOMING MAIL,
AND THAT ALL OTHER CLAIMS AND
DEFENDANTS BE DISMISSED

OBJECTIONS, IF ANY, DUE WITHIN
TWENTY 20 DAYS

20 David L. Stratmon ("Plaintiff") is a federal prisoner proceeding pro se in this civil rights
21 action pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics,
22 403 U.S. 388 (1971). Plaintiff filed the Complaint commencing this action on November 9,
23 2012. (Doc. 1.)

24 The court screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915A and found that
25 it states cognizable Bivens claims against defendant Morris (Factory Manager) for retaliation
26 and interference with incoming mail, in violation of the First and Fourteenth Amendments. On
27 August 14, 2014, Plaintiff was granted leave to either file an amended complaint or notify the
28 court that he is willing to proceed only on the claims found cognizable by the court. (Doc. 11.)

1 On September 12, 2014 and September 17, 2014, Plaintiff filed notices informing the court that
2 he is willing to proceed only on the cognizable claims against defendant Morris. (Docs. 12,
3 13.)

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

- 5 1. This action proceed only against defendant A. Morris (Factory Manager) for
6 retaliation and interference with Plaintiff's mail, in violation of the First and
7 Fourteenth Amendments;
- 8 2. All remaining claims and defendants be dismissed from this action;
- 9 3. Defendants M. Tucker (Assistant Warden), M. Suhota (Foreman), and E. Stokes
10 (Foreman) be dismissed from this action based on Plaintiff's failure to state any
11 Bivens claims upon which relief may be granted against them; and
- 12 4. Plaintiff's claim for wrongful termination be dismissed from this action based
13 on Plaintiff's failure to state a Bivens claim.

14 These Findings and Recommendations will be submitted to the United States District
15 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
16 **twenty (20) days** after being served with these Findings and Recommendations, any party may
17 file written objections with the Court. The document should be captioned "Objections to
18 Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file
19 objections within the specified time may waive the right to appeal the District Court's order.
20 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

21 IT IS SO ORDERED.

22 Dated: **October 2, 2014**

23 **/s/ Gary S. Austin**
24 UNITED STATES MAGISTRATE JUDGE