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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA  
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7 DAVID L STRATMON,

8 Plaintiff,

9 vs.

10 M. TUCKER, et al.,

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

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 14.)

ORDER FOR THIS ACTION TO  
PROCEED ONLY AGAINST  
DEFENDANT MORRIS FOR  
RETALIATION AND INTERFERENCE  
WITH INCOMING MAIL

ORDER DISMISSING ALL OTHER  
CLAIMS AND DEFENDANTS

15 David L. Stratmon ("Plaintiff") is a federal prisoner proceeding pro se in this civil rights  
16 action pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics,  
17 403 U.S. 388 (1971). Plaintiff filed the Complaint commencing this action on November 9,  
18 2012. (Doc. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28  
19 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On October 2, 2014, the Court entered [Findings and Recommendations](#), recommending  
21 that this action proceed only against defendant Morris for retaliation and interference with  
22 incoming mail, in violation of the First and Fourteenth Amendments, and that all other claims  
23 and defendants be dismissed from this action based on Plaintiff's failure to state a claim. (Doc.  
24 14.) Plaintiff was provided an opportunity to file objections to the Findings and  
25 Recommendations within twenty days. On October 6, 2014, Plaintiff filed a [notice of non-](#)  
26 [opposition](#) to the Findings and Recommendations, notifying the court that he does not wish to  
27 file an amended complaint and wishes to proceed only against defendant Morris for retaliation  
28 and interference with mail. (Doc. 15.)

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
2 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
3 the Court finds the Findings and Recommendations to be supported by the record and proper  
4 analysis.

5 Accordingly, THE COURT HEREBY ORDERS that:

- 6 1. The Findings and Recommendations issued by the Magistrate Judge on October  
7 2, 2014, are ADOPTED in full;
- 8 2. This action now proceeds on Plaintiff's original Complaint, filed on November  
9 9, 2012, against defendant Morris (Factory Manager), for retaliation and  
10 interference with incoming mail, in violation of the First and Fourteenth  
11 Amendments;
- 12 3. All remaining claims and defendants are DISMISSED from this action;
- 13 4. Defendants Assistant Warden M. Tucker, Foreman M. Suhota, and Foreman E.  
14 Stokes are DISMISSED from this action based on Plaintiff's failure to state any  
15 claims upon which relief may be granted against them;
- 16 5. Plaintiff's claim concerning the loss of his prison job is DISMISSED for failure  
17 to state a claim upon which relief may be granted; and
- 18 6. The Clerk is DIRECTED to reflect the dismissal of defendants Tucker, Suhota,  
19 and Stokes from this action on the Court's docket; and
- 20 7. This case is referred back to the Magistrate Judge for further proceedings,  
21 including service of process.

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23 IT IS SO ORDERED.

24 Dated: November 12, 2014

/s/ Lawrence J. O'Neill  
25 UNITED STATES DISTRICT JUDGE  
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