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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ANTHONY RAY McFARLAND,

Plaintiff,

vs.

KENNETH W. KAISER, in his
official and private capacities,

Defendant.

No. C 11-3465 PJH (PR)

ORDER OF DISMISSAL

This is a civil rights case filed pro se by a plaintiff currently confined at Atascadero State Hospital in Atascadero, California. Because the defendant is an Assistant Director of the FBI, the complaint was treated as being brought pursuant to *Bivens v. Six Unknown Named Agents*, 403 U.S. 388, 392-97 (1971), which provides a cause of action against federal employees that is somewhat similar to section 1983 civil rights actions against state and local governmental actors.

The complaint was dismissed with leave to amend because plaintiff provided only conclusory allegations of the defendant's role in the purported violations of his rights; he did not say what Kaiser actually did that caused the violations, or provide sufficient facts to make it plausible that defendant was personally involved in them.

In the amendment plaintiff asserts in conclusory fashion that defendant communicated from his office in Washington, D.C., to local FBI agents, instructing them to violate his rights. His allegations as to what the local agents did are again conclusory: that the agents subjected him to discrimination because he is an African-American Baptist preacher, did not permit him to perform a citizen's arrest, covered up crimes within their jurisdiction, subjected him to torture, and falsified unspecified records.

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Plaintiff's allegations are again conclusory, and do not state facts that make it plausible that the defendant violated plaintiff's rights. The complaint is **DISMISSED** for failure to state a claim. The clerk shall close the file.

IT IS SO ORDERED.

Dated: July 30, 2012.



PHYLLIS J. HAMILTON
United States District Judge