

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

ERIC WATKINS,

Plaintiff,

v.

CIVIL ACTION NO.: CV212-050

ANTHONY HAYNES; REGIONAL
DIRECTOR OF THE BUREAU OF
PRISONS; ROBUTA M. TRUMAN;
and HARRELL WATTS,

Defendants.

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff asserts that the Magistrate Judge failed to report that he asserted that Defendants violated his right to be treated fairly and to not be discriminated against. However, Plaintiff's assertion is incorrect, as the Magistrate Judge ordered service of Plaintiff's Complaint upon Defendants based on Plaintiff's equal protection claims. (Doc. No. 9, pp. 3-4).

Plaintiff also asserts that his official capacities claims against Defendants should not be dismissed because such claims can be brought against the Government or its agencies. To the extent Plaintiff seeks to hold the Bureau of Prisons and the United States of America liable for any alleged constitutional violations of its employees

pursuant to Bivens, he cannot do so. See FDIC v. Meyer, 510 U.S. 471, 485-86 (1994) (stating the proper defendants in a Bivens claim are the federal officers who allegedly violated the plaintiff's constitutional rights, not the federal agency which employs the officers). Plaintiff can not sustain a cause of action against the named Defendants in their official capacities for monetary damages. Plaintiff's assertion to the contrary is incorrect.

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's claims against Defendants in their official capacities are **DISMISSED**. Plaintiff is reminded that he is to inform the Court of the name of the Regional Director so that he or she can be served with his Complaint.

SO ORDERED, this 2 day of May, 2012.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA