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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

JEREMY PINSON,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, ET  
AL.,

Defendants.

\* CIVIL ACTION NO. 2:14-cv-450

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\* JUDGE MINALDI

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\* MAGISTRATE JUDGE KAY

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MEMORANDUM ORDER

Before the court is the Report and Recommendation [Doc. 8] of the Magistrate Judge, to which the plaintiff, Jeremy Pinson (“Pinson”) has filed Objections [Doc. 9]. For the following reasons, the Report and Recommendation [Doc. 9] is **AFFIRMED**.

**FACTS & PROCEDURAL HISTORY**

Pinson is a former gang member who alleges that he is danger because gang members have been ordered to kill him.<sup>1</sup> At the time he filed his complaint, Pinson was housed at ADX Florence in Florence, Colorado.<sup>2</sup> The basis for his cause of action is that the Federal Correctional Institute in Oakdale, Louisiana, refused to accept his transfer from ADX Florence.<sup>3</sup> Subsequent to filing suit, Pinson was transferred to the Medical Center for Federal Prisoners in Springfield, Missouri.<sup>4</sup> On February 23, 2015, the magistrate judge issued her Report and Recommendations and recommended that Pinson’s Complaint be dismissed, with prejudice.<sup>5</sup>

<sup>1</sup> Prisoner Compl. [Doc. 1], at 4.

<sup>2</sup> *Id.* at 2.

<sup>3</sup> *Id.* at 4.

<sup>4</sup> See Not. of Change of Address [Doc. 7].

<sup>5</sup> Report and Recommendations [Doc. 8].

## LAW & ANALYSIS

The court herein adopts the magistrate judge's conclusions of law with respect to Pinson's inability to bring a *Bivens* action against the Bureau of Prisons.<sup>6</sup> Regarding the transfer request, an inmate has no constitutionally protected right to serve a sentence in any particular institution or to be transferred from one facility to another. *Olim v. Wakinekona*, 461 U.S. 238, 244-48 (1983). However, the state also has a responsibility under the Eighth Amendment to protect the safety of its prisoners. *Streeter v. Hooper*, 618 F.2d 1178, 1182 (5th Cir. 1980) (citations omitted). In circumstances where a prisoner's life is in danger, a district court has the ability to order that the prisoner is placed in another institution. *Id.* at 1182.

Pinson has been transferred from ADX Florence since the initiation of the present suit. Because he is no longer in imminent danger, there is no cause of action for transfer to a more preferable institution.

**IT IS ORDERED** that the Report and Recommendation [Doc. 8] is **AFFIRMED**.

**IT IS FURTHER ORDERED** that all of Pinson's claims be and hereby are **DISMISSED, WITH PREJUDICE**, as frivolous and for failure to state a claim in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i), (ii), and (iii).

Lake Charles, Louisiana, this 6 day of June, 2015.

  
PATRICIA MINALDI  
UNITED STATES DISTRICT JUDGE

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<sup>6</sup> Report and Recommendations [Doc. 8], at 3.