

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

TONY E. KANNO,)
Plaintiff,)
v.) Case No. CIV-11-32-D
THREE UNKNOWN AGENTS OF THE)
FEDERAL MARSHALS OF OKLAHOMA)
CITY OFFICE,)
Defendants.)

ORDER

This matter is before the Court for review of the Report and Recommendation [Doc. No. 21] issued by United States Magistrate Judge Valerie K. Couch pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Upon initial screening pursuant to 19 U.S.C. § 1915A, Judge Couch recommends that the Complaint should be dismissed as frivolous and for failure to state an actionable claim under Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). Judge Couch finds that the allegations against the named defendants – federal agents who allegedly invaded Plaintiff’s privacy and violated his constitutional rights by planting evidence and forging documents – are time barred and that Plaintiff’s factual allegations are irrational, incredible, and delusional and, thus, legally frivolous.

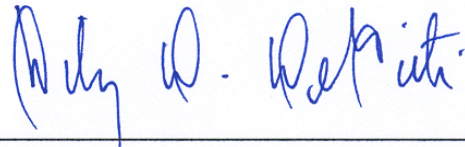
Plaintiff has filed a timely written objection, in which he reiterates allegations included in his Complaint that he is being “slowly burned to death by the incredible weapons on the domestic drones.” See Objection [Doc. No. 22] at 2. Plaintiff also submits copies of written complaints and telephone records showing his efforts to obtain relief from the allege abuse he has suffered through the use of domestic drone planes by the Department of Homeland Security. It is unclear how these allegations relate to the claims asserted in the Complaint against the named defendants, who are

agents of the United States Marshal's Service. Nevertheless, further review of all other issues is waived. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

Upon *de novo* review of the issues addressed by Judge Couch, the Court fully concurs in her analysis. The Court therefore adopts the Report and Recommendation in its entirety, as though fully set forth herein.

IT IS THEREFORE ORDERED that the Complaint is dismissed for failure to state a claim upon which relief can be granted and frivolousness, pursuant to 28 U.S.C. § 1915A(b)(1). Judgment shall be entered accordingly.

IT IS SO ORDERED this 11th day of July, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE