

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY BACON,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 23-CV-3227
	:	
UNITED STATES OF AMERICA, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 10th day of May, 2024, upon consideration of Plaintiff Anthony Bacon’s *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. For the reasons stated in the Court’s Memorandum, Bacon’s claims against the United States of America, any claims asserted pursuant to the Freedom of Information Act (“FOIA”), the Federal Tort Claims Act (“FTCA”) or *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 392 (1971), and his official capacity claims are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Clerk of Court is **DIRECTED** to **TERMINATE** the United States of America as a Defendant.

2. For the reasons stated in the Court’s memorandum, Bacon’s claims under 42 U.S.C. §§ 1981, 1985, and 1986, and his claims against Warden Doe are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

3. The Clerk of Court is **DIRECTED** to send Bacon a blank copy of the Court’s standard form complaint for prisoners to use to file a complaint bearing the above civil action number.

4. Bacon is given thirty (30) days to file an amended complaint in the event he can allege additional facts to state plausible claims. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Bacon's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 23-3227. **If Bacon files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Bacon's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the amended complaint will not be considered part of this case.** When drafting his amended complaint, Bacon should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

5. If Bacon does not file an amended complaint the Court will direct service of his initial Complaint on Defendant Officer Fadden only. Bacon may also notify the Court that he seeks to proceed on these claims rather than file an amended complaint. If he files such a notice, Bacon is reminded to include the case number for this case, 23-3227.

6. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ John Milton Younge

JOHN MILTON YOUNGE, J.