

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Perkins v. Rivera

Perkins · No. 1:24-cv-01497-KES-EPG (PC) · Decided May 30, 2025

SUMMARY

The United States Magistrate Judge recommends that the case proceed only on Plaintiff Gary Ronnell Perkins's First Amendment retaliation claim against Defendant Rivera. The recommendation would dismiss all other claims and advises that objections may be filed within 30 days.

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 GARY RONNELL PERKINS, Case No. 1:24-cv-01497-KES-EPG (PC) 10 Plaintiff,
FINDINGS AND RECOMMENDATIONS 11 THAT THIS CASE PROCEED ONLY ON v.
PLAINTIFF'S RETALIATION CLAIM 12 I. RIVERA, (ECF Nos. 1, 9, 10) 13 Defendant. 14
OBJECTIONS, IF ANY, DUE WITHIN 30 DAYS 15 16 Plaintiff Gary Ronnell Perkins proceeds
pro se in this civil rights action filed under 42 17 U.S.C. § 1983.

(ECF No. 1). The complaint generally alleges that Defendant Rivera 18 improperly confiscated
Plaintiff's approved special purchase order of handicraft items, and also 19 confiscated other
items in retaliation for Plaintiff threatening to file a grievance. 20 On May 6, 2025, the Court
screened the complaint, concluding that Plaintiff sufficiently 21 stated a claim for retaliation in
violation of the First Amendment against Defendant Rivera.

22 (ECF No. 1). The Court explained why the complaint otherwise failed to state any claims and
23 gave Plaintiff thirty days to either file (1) a notice to go forward on his cognizable claim, (2) an
24 amended complaint; or (3) a notice to stand on his complaint and have it reviewed by a district
25 judge. (Id.). 26 On May 15, 2025, Plaintiff filed a notice stating that he wants to proceed only
on the 27 retaliation claim that the Court found cognizable.

(ECF No. 10). 28 Accordingly, for the reasons set forth in the Court's screening order that was
entered on 1 || May 6, 2025 (ECF No. 9), and because Plaintiff has notified the Court that he wants
to proceed 2 || only on the retaliation claim that the Court found should proceed past screening
(ECF No. 10), 3 || IT IS RECOMMENDED that all claims other than Plaintiff's First Amendment
retaliation 4 against Defendant Rivera be dismissed.

5 These findings and recommendations will be submitted to the United States District 6 || Judge
assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within 7 || thirty

(30) days after being served with these findings and recommendations, Plaintiff may file 8 || written objections with the Court.

The document should be captioned “Objections to 9 || Magistrate Judge’s Findings and Recommendations.” Any objections shall be limited to no 10 || more than 15 pages, including exhibits. Plaintiff is advised that failure to file objections within 11 || the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 12 || 834, 838-39 (9th Cir.

2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). 13 14 IT IS SO ORDERED. 15 || Dated: _May 30, 2025 [see hey 16 UNITED STATES MAGISTRATE JUDGE 17 18 19 20 21 22 23 24 25 26 27 28