

**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

OPINION

(PC) Perkins v. Rivera

PER CURIAM.

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