

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 19 2021

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MICHAEL ROY TURNEY,

Plaintiff-Appellant,

v.

UNITED STATES DEPARTMENT OF
JUSTICE; et al.,

Defendants-Appellees.

No. 19-16377

D.C. No. 2:19-cv-02724-SRB-DMF

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Submitted October 12, 2021**

Before: TALLMAN, RAWLINSON, and BUMATAY, Circuit Judges.

Former federal prisoner Michael Roy Turney appeals pro se from the district court's judgment dismissing his action under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), alleging constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We review de

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

novo a dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). We affirm.

The district court properly dismissed Turney's action because Turney failed to name proper defendants. *See Correctional Servs. Corp. v. Malesko*, 534 U.S. 61, 63 (2001) (explaining that a *Bivens* action is not available against private companies); *FDIC v. Meyer*, 510 U.S. 471, 484-86 (1994) (explaining that a *Bivens* action is only available against federal officers, not federal agencies).

The district court did not abuse its discretion in denying Turney's motion to recuse District Judge Bolton because Turney failed to demonstrate that a reasonable person would believe that Judge Bolton's impartiality could be questioned. *See United States v. Hernandez*, 109 F.3d 1450, 1453 (9th Cir. 1997) (setting forth standard of review and discussing standard for recusal under 28 U.S.C. §§ 144 and 455).

We reject as unsupported by the record Turney's contention that Judge Bolton engaged in misconduct.

AFFIRMED.