

FILED
United States Court of
Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

November 27, 2009

Elisabeth A. Shumaker
Clerk of Court

GREGORY D. CROSBY, also known as
Cosby Gregory,

Plaintiff - Appellant,

v.

FNU LNU (1), Regional Director, Federal
Bureau of Prisons, Mid-Atlantic Regional
Office; FNU LNU (2), Regional Director,
Federal Bureau of Prisons, South Central
Regional Office; FNU LNU (3), Regional
Director, Federal Bureau of Prisons,
Southeast Regional Office; FNU LNU (4),
Regional Director, Federal Bureau of
Prisons, North Central Regional Office,

Defendants - Appellees.

No. 09-3195

(D. Kansas)

(D.C. No. 5:09-CV-03080-SAC)

ORDER AND JUDGMENT*

Before **LUCERO, McKAY, and MURPHY**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined
unanimously that oral argument would not materially assist in the determination

*This order and judgment is not binding precedent except under the
doctrines of law of the case, res judicata, and collateral estoppel. It may be cited,
however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th
Cir. R. 32.1.

of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Gregory Crosby appeals an order of the district court dismissing without prejudice his *Bivens*-based¹ civil rights complaint. In his complaint, Crosby appears to assert, *inter alia*, an entitlement to a full \$500 gratuity, pursuant to 18 U.S.C. § 3624(d)(2), upon his release from federal prison. Because the factual basis of the complaint was less than clear, and because there was serious doubt as to the district court's jurisdiction over certain defendants, the district court issued an order to show cause why Crosby's complaint should not be summarily dismissed "because the allegations in the complaint are insufficient to state any viable claim for relief." Rather than clear up the ambiguities identified by the district court in the order to show cause, Crosby responded by noting his current inability, for a catalog of reasons, to correct the deficiencies in his complaint. The district court responded by dismissing Crosby's complaint without prejudice for the reasons set out in the order to show cause.

This court has considered Crosby's appellate filings and the entire record and has reviewed *de novo* the district court's order of dismissal. That close review has identified no reversible error. Accordingly, the district court order of

¹*Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

dismissal is **AFFIRMED** for substantially those reasons set out in the district court's order of dismissal dated June 26, 2009.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge