

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-11269
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 28, 2014

Lyle W. Cayce
Clerk

DANIEL ORIAKHI,

Plaintiff–Appellant,

v.

THE GEO GROUP, INCORPORATED; DAVID JUSTICE, Warden; JAMES GRANT, Assistant Warden; TREVINO TAPIA, Unit Manager; EMMA BERMEA; RICHARD HIRZEL, Unit Counselor; JAMIE TREVINO, Unit Manager; TOM SHORT, Regional Staff; JOHN FARQUAL, Physician; UNKNOWN 200 MEMBERS OF MEXICAN PRISONERS; FNU SERRANO, Case Manager Coordinator (CMC); FNU ROUDES, Medical Personnel; FEDERAL BUREAU OF PRISONS; FNU GAYO, Leader of the Unknown 200 Members of Mexican Prisoners,

Defendants–Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:11-CV-175

Before PRADO, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:*

Daniel Oriakhi appeals the district court’s dismissal of his prisoner civil rights suit under 28 U.S.C. §§ 1915 and 1915A as frivolous and for failure to

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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state a claim. Our review is de novo.¹ Oriakhi raises two issues on appeal, both of which concern the dismissal of defendant GEO Group and its employees.

Oriakhi's complaint was correctly interpreted as alleging claims under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). A *Bivens* suit may not be brought against a private corporation like GEO Group² or its employees if the conduct is the type that typically falls within the scope of traditional state tort law.³ Texas tort law encompasses Oriakhi's claims.⁴ The judgment of the district court is AFFIRMED.

¹ *Geiger v. Jowers*, 404 F.3d 371, 373 (5th Cir. 2005).

² *Corr. Servs. Corp. v. Malesko*, 534 U.S. 61, 63 (2001).

³ *Minneci v. Pollard*, 132 S. Ct. 617, 626 (2012).

⁴ *See, e.g., Tejada v. Gernale*, 363 S.W.3d 699, 701 (Tex. App.—Houston [1st Dist.] 2011, no pet.); *Gibson v. Tolbert*, 102 S.W.3d 710, 713 (Tex. 2003).