

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-5092

September Term, 2011

FILED ON: JUNE 1, 2012

MORRIS D. DAVIS,

APPELLEE

v.

JAMES H. BILLINGTON, IN HIS OFFICIAL CAPACITY AS THE LIBRARIAN OF CONGRESS,
APPELLEE

DANIEL P. MULHOLLAN, IN HIS INDIVIDUAL CAPACITY,
APPELLANT

Appeal from the United States District Court
for the District of Columbia
(No. 1:10-cv-00036)

Before: SENTELLE, *Chief Judge*, HENDERSON and ROGERS, *Circuit Judges*

J U D G M E N T

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that the order of the District Court, denying Mulhollan's motion to dismiss, appealed from in this cause is hereby vacated, and the case is remanded with instructions to dismiss Davis's *Bivens* claims, in accordance with the opinion of the court filed herein this date.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY:

/s/
Jennifer M. Clark
Deputy Clerk

Date: June 1, 2012

Opinion for the court filed by Chief Judge Sentelle.
Dissenting opinion filed by Circuit Judge Rogers.