

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01459-CMA-KLM

LORAL HUFFMAN,

Plaintiff,

v.

DR. ALLRED,
DR. CARTER,
SANCHEZ, Case Manager,
DERR, Unit Manager,
JOHN DOE, Mailroom Supervisor,
JANE DOE, Food Supervisor,
BUCKNER, Investigator,
LINCOLN, D.H.O., and
CRANK, Trust Manager,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for 60-Day Extension** [Docket No. 289; Filed September 24, 2012], **Motion for Leave to File Amended Complaint** [#292; Filed September 28, 2012], **Motion for Contempt** [#294; Filed October 1, 2012], **Motion for Documents** [#295; Filed October 1, 2012], **Motion for Contempt of Court** [#299; Filed October 22, 2012] and **Motion for Status** [#303; Filed November 13, 2012] (collectively, "the Motions"). Defendants have not filed a response to any of the Motions.

The Court recently issued a Recommendation [#309] that this action be dismissed.¹

¹ The only one of the Motions that could have conceivably had an impact on the Court's Recommendation [#309] is the Motion for Leave to File Amended Complaint [#292]. In Plaintiff's proposed amended complaint attached to the motion, he asserts jurisdiction pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and names the Bureau of Prisons as the sole defendant. [#292-1]. In *Bivens*, however, the Supreme Court recognized an "implied cause of action for damages against federal agents who allegedly violated the Constitution." *Fed. Deposit Ins. Corp. v. Meyer*, 510 U.S. 471, 473 (citing *Bivens*, 403 U.S. 388). But this implied cause of action does not extend to suits against a federal agency. *Id.* Because Plaintiff's proposed amended complaint names the Bureau of Prisons, a federal agency, as the only defendant, jurisdiction over the matter cannot be based on *Bivens*. As a result, Plaintiff's Motion for Leave to File Amended Complaint would have been denied as futile.

Accordingly,

IT IS HEREBY **ORDERED** that in light of the Court's Recommendation [#309] that this action be dismissed, Plaintiff's Motions [## 289, 292, 294, 295, 299 and 303] are **DENIED AS MOOT**.

Dated: January 10, 2013