



321 F.3d 680, 683 (7th Cir. 2003) (“[F]ailure to respond by the nonmovant as mandated by the local rules results in an admission.”); *Waldrige v. American Hoechst Corp.*, 24 F.3d 918, 921–22 (7th Cir. 1994). This does not alter the standard for assessing a Rule 56(a) motion, but does “reduc[e] the pool” from which the facts and inferences relative to such a motion may be drawn. *Smith v. Severn*, 129 F.3d 419, 426 (7th Cir. 1997).

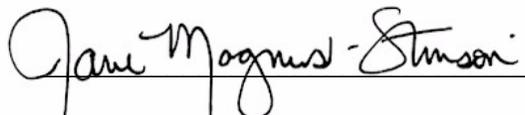
The undisputed facts demonstrate that Dr. Ulrich is a medical doctor who performed services at the Federal Correctional Complex in Terre Haute, Indiana, and examined and treated Eady in 2013 and 2015. Dr. Ulrich is employed by a private, non-governmental entity, UAP Clinic, LLC. Dr. Ulrich is not employed by the United States of America.

*Bivens* “authorizes the filing of constitutional tort suits against federal officers in much the same way that 42 U.S.C. § 1983 authorizes such suits against state officers.” *King v. Federal Bureau of Prisons*, 415 F.3d 634, 636 (7th Cir. 2005). But the claims against Dr. Ulrich cannot proceed because Dr. Ulrich is not a federal actor. A *Bivens* claim cannot be brought against a private entity or individual, even if it is a federal contractor. *See Minneci v. Pollard*, 132 S.Ct. 617, 623 (2012) (prisoner could not assert an Eighth Amendment *Bivens* claim for damages against private prison employees); *Corr. Servs. Corp. v. Malesko*, 534 U.S. 61, 63, 66 & n. 2 (2001); *Muick v. Glenayre Elec.*, 280 F.3d 741, 742 (7th Cir. 2002).

Accordingly, Dr. Ulrich’s motion for summary judgment [dkt. 39] is **granted**. Dr. Ulrich is entitled to judgment as a matter of law on the claims raised in the second amended complaint. This motion does not resolve all claims against all parties. No partial final judgment shall issue at this time.

**IT IS SO ORDERED.**

Date: January 22, 2016

  
Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

All Electronically Registered Counsel

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10959-040

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