

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL CRUMBLE,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

1:23-CV-4427 (LTS)

CIVIL JUDGMENT

For the reasons discussed in the Court's August 7, 2023 order, the Court dismisses this action. The Court: (1) dismisses Plaintiff's claims against the United States of America arising from events alleged to have occurred at the Federal Correctional Institution in Otisville, New York ("FCI Otisville"), under the doctrine of sovereign immunity and, consequently, for lack of subject matter jurisdiction and for seeking monetary relief from a defendant that is immune from such relief, see Fed. R. Civ. 12(h)(3); 28 U.S.C. § 1915(e)(2)(B)(iii); (2) dismisses Plaintiff's claims under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), arising from events alleged to have occurred at FCI Otisville without prejudice; and (3) dismisses Plaintiff's claims for *habeas corpus* relief under 28 U.S.C. § 2241 as to the execution of Plaintiff's sentence at FCI Otisville without prejudice.

Because Plaintiff's claims for *habeas corpus* relief do not make substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.

SO ORDERED.

Dated: November 14, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge