



Constitution. However, the plaintiff has sued federal agencies in this case, the United States Department of Justice and the Bureau of Prisons. A suit against a federal agency or federal officer in his or her official capacity is equivalent to a claim against the United States, *see Will v. Dept. of State Police*, 491 U.S. 58, 71 (1989), and “[i]t is axiomatic that the United States may not be sued without consent and that the existence of consent is a prerequisite to jurisdiction.” *United States v. Mitchell*, 463 U.S. 206, 212 (1983). The United States has not waived its immunity to suits asserting *Bivens* claims. *Fagan v. Luttrell*, No. 97–6333, 2000 WL 876775, at \*3 (6th Cir. June 22, 2000) (“*Bivens* claims against the United States are barred by sovereign immunity. The United States has not waived its immunity to suit in a *Bivens* action.”) (citation omitted); *Miller v. Fed. Bureau of Investigation*, No. 96–6580, 1998 WL 385895, at \*1 (6th Cir. July 1, 1998) (“the doctrine of sovereign immunity precludes a *Bivens* action against a federal agency for damages”); *Lundstrum v. Lyng*, 954 F.2d 1142, 1146 (6th Cir.1991) (“A *Bivens* action may not be maintained against the United States.”).

### **Conclusion**

Accordingly, this Court lacks subject-matter jurisdiction over the plaintiff’s action, and the complaint is dismissed pursuant to the Court’s authority established in *Apple v. Glenn*, 183 F.3d 477.

IT IS SO ORDERED.

/s/Dan Aaron Polster 2/11/15  
DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE