

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 01-5386

September Term, 2001

01cv01854

Filed On: April 8, 2002 [670009]

Samuel E. Tootle, II,
Appellant

v.

Donald H. Rumsfeld, Secretary of Defense, et al.,
Appellees

BEFORE: Ginsburg, Chief Judge; Randolph and Garland, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. The court has determined that the issues presented occasion no need for an opinion. See Fed. R. App. P. 36; D.C. Cir. Rule 36(b). It is

ORDERED AND ADJUDGED that the district court's judgment of August 29, 2001, be affirmed. The district court correctly determined that liability under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), cannot be based on a theory of respondeat superior. See Cameron v. Thornburgh, 983 F.2d 253, 258 (D.C. Cir. 1993).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By:

Deputy Clerk/LD