

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5294

September Term, 2018

1:17-cv-00357-TNM

Filed On: September 5, 2019

Derrick Storms,

Appellant

v.

Eric K. Shinseki, et al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Henderson, Srinivasan, and Rao, 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 briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed August 6, 2018 be affirmed. Appellant contends that in determining whether to recognize an implied cause of action under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), the district court failed to analyze whether special circumstances precluded a Bivens remedy in this case. See Ziglar v. Abbasi, 137 S. Ct. 1843, 1857 (2017). Contrary to appellant's contention, the district court did in fact conduct this analysis. See Storms v. Shinseki, 319 F. Supp. 3d 348, 354-58 (D.D.C. 2018). And appellant, who offers only unsupported assertions that special circumstances do not preclude a Bivens remedy in this case, has failed to show any other error in the district court's dismissal of the complaint for failure to state a claim. See SEC v. Banner Fund Int'l, 211 F.3d 602, 613-14 (D.C. Cir. 2000) (declining to address an "asserted but unanalyzed" argument) (quoting Carducci v. Regan, 714 F.2d 171, 177 (D.C. Cir. 1983)).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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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