

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JAN 10 2003

PATRICK FISHER
Clerk

ALFRED R. CESSPOOCH, SR.,

Plaintiff - Appellant,

v.

FEDERAL BUREAU OF PRISONS;
JOEL KNOWLES, Warden and in
individual capacity; JACK B. DAVIS,
Assoc. Warden and in individual
capacity; THOMAS C. PETERSON,
Assoc. Warden and in individual
capacity; CHARLES ROWE, Lieut.
and in individual capacity; DAVID
ARMSTRONG, Correctional officer;
ANTHONY F. DIMARZO,
Correctional Officer; JAKE GEIGER,
Correctional Officer; CHARLOTTE R.
GUTIERREZ, Correctional Officer;
PAULA G. PRICE, Correctional
Officer; WESLEY A. PUMMIL,
Correctional Officer; OFFICER
SMITH, Correctional Officer;
OFFICER WALKER, Correctional
Officer; OFFICER PLOESSEL,
Correctional Officer; and OFFICER
MOORE, C.O.,

Defendants - Appellees.

No. 02-1037
D.C. No. 00-Z-1973
(D. Colorado)

ORDER AND JUDGMENT*

*After examining appellant's brief and the appellate record, this panel has
determined unanimously that oral argument would not materially assist the

(continued...)

Before **EBEL, LUCERO** and **O'BRIEN**, Circuit Judges.

Pro se Plaintiff-Appellant Alfred R. Cesspooch, Sr., is currently incarcerated at the federal prison in Florence, Colorado. (Slip. Op. at 1.) He filed a complaint alleging that Defendants violated his constitutional rights when some of them stripped and beat him and others of them ignored the incident or helped cover it up. (Id. at 1-2.) He seeks monetary relief pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). (Id. at 2.)

Adopting the recommendation of the magistrate judge, the district court dismissed Plaintiff's claims against the Bureau of Prisons as barred by sovereign immunity. (Id.) It dismissed Plaintiff's claims against Price, Walker, DiMarzo and Ploessel as barred by the applicable statute of limitations. (Id. at 3.) Because

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determination of this appeal. See Fed. R. App. P. 34(a)(2) and 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

the other Defendants were neither served with process nor had waived service, the district court did not (and did not need to) discuss Plaintiff's claims against them.

We exercise jurisdiction under 28 U.S.C. § 1291 and AFFIRM for substantially the reasons stated by the district court. All other pending motions are hereby DISMISSED.

ENTERED FOR THE COURT

David M. Ebel
Circuit Judge