

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 15-10519  
Non-Argument Calendar

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D.C. Docket No. 1:14-cv-02752-RWS

WILLIE BENNETT,

Plaintiff - Appellant,

versus

CITIMORTGAGE, INC.,  
SECRETARY OF VETERANS AFFAIRS,  
VENDOR RESOURCE MANAGEMENT,

Defendants - Appellees.

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Appeal from the United States District Court  
for the Northern District of Georgia

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(November 16, 2015)

Before JORDAN, JULIE CARNES and BLACK, Circuit Judges.

PER CURIAM:

Willie Bennett,<sup>1</sup> proceeding *in forma pauperis*, appeals the district court's dismissal under 28 U.S.C. § 1915(e)(2)(B) of his amended complaint for failure to state a claim and for suing an immune defendant. Bennett argues that the district court (1) erred in concluding that the Secretary of Veterans Affairs (VA) is immune because Bennett brings this claim as a *Bivens* action<sup>2</sup> and (2) erred in concluding that CitiMortgage, Inc. (Citi) and Vendor Resource Management (VRM) were not government actors because they acted as authorized agents of the Department of Veterans Affairs (VA). After review,<sup>3</sup> we affirm.

Neither the amended complaint nor Bennett's objections to the magistrate judge's report and recommendation mention *Bivens* or state that Citi was an agent of the VA. Because Bennett failed to raise these arguments before the district court, we decline to address them for the first time on appeal. *See Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1331 (11th Cir. 2004) (quotations omitted) ("This Court has repeatedly held that an issue not raised in the district court and raised for the first time in an appeal will not be considered by this court.").

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<sup>1</sup> We note that Bennett was represented by counsel in the district court and on appeal.

<sup>2</sup> *See Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

<sup>3</sup> We review de novo a dismissal for failure to state a claim, *Mitchell v. Farcass*, 112 F.3d 1483, 1490 (11th Cir. 1997), and for sovereign immunity, *Maughon v. Bibb Cty.*, 160 F.3d 658, 660 (11th Cir. 1998). We accept as true all allegations of fact in the amended complaint. *Mitchell*, 112 F.3d at 1490.

Bennett's argument that VRM is a government actor fails to respond to the basis for the district court's dismissal. The magistrate judge's report and recommendation, which the district court adopted, assumed *arguendo* that VRM was a government actor and nevertheless concluded that Bennett failed to state a claim on which relief could be granted. Because Bennett fails to challenge the basis for the district court's conclusion, he has abandoned any claim that the district court erred in this regard. *See Hamilton v. Southland Christian Sch., Inc.*, 680 F.3d 1316, 1319 (11th Cir. 2012) ("A passing reference to an issue in a brief is not enough, and the failure to make arguments and cite authorities in support of an issue waives it.").

**AFFIRMED.**