[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

____

No. 23-12239

Non-Argument Calendar

____

CARLTON EUGENE HOOKER, JR.,

Plaintiff-Appellant,

versus

KEVIN T. HANRETTA,
Individually and Officially,
KAREN MULCAHY,
Officially only,

Defendants-Appellees.

____

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:22-cv-01614-TPB-TGW

Before WILLIAM PRYOR, Chief Judge, and JORDAN and LAGOA, Circuit Judges.

PER CURIAM:

Carlton Hooker appeals *pro se* the dismissal of his complaint against current and former employees of the Department of Veterans Affairs. *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971). The district court dismissed the complaint with prejudice for failure to state a claim, Fed. R. Civ. P. 12(b)(6), and as barred by res judicata. We affirm.

Since 2011, Hooker has filed dozens of lawsuits against the Department related to his termination in 2010 from his position as a police officer at the Bay Pines facility and his ban from the facility in 2016 for harassing and threatening employees and patients. In July 2022, before the district court imposed a modified pre-filing injunction that enjoined him from filing new *pro se* actions against the Department "related to his employment and/or the 'ban,'" Hooker filed the instant *Bivens* action. He alleged that Kevin Hanretta, the former Assistant Secretary for Operations, Security and Preparedness, and Karen Mulcahy, an attorney with the Office of Regional Counsel, violated his right to due process under the Fifth Amendment. Hooker alleged that Hanretta deprived him of

rights under color of law when he "illegally banned" Hooker from the facility in violation of a federal regulation, *see* 38 C.F.R. § 1.218. Hooker alleged that Mulcahy provided "fraudulent documentation" supporting the ban. Hooker sought $1.2 million in damages and Mulcahy's termination.

We review *de novo* a dismissal for failure to state a claim. *Feldman v. Am. Dawn, Inc.*, 849 F.3d 1333, 1339 (11th Cir. 2017).

The district court correctly dismissed the complaint. Insofar as Hooker sued Hanretta and Mulcahy in their official capacities, *Bivens* does not apply. *See Corr. Servs. Corp. v. Malesko*, 534 U.S. 61, 69–71 (2001) (explaining that *Bivens* applies only to claims against federal officers in their individual capacities and does not create a cause of action for federal officers who are sued in their official capacities). Insofar as Hooker sued Hanretta in his individual capacity, the district court correctly ruled that Hooker failed to plausibly allege a due-process violation. Hooker alleged that Hanretta's actions violated a regulation that authorized the head of a Department facility or designee to "cause the issuance of orders for persons who are creating a disturbance to depart the property." 38 C.F.R. § 1.218. Accepting Hooker's factual allegations as true, nothing in that regulation proscribed Hanretta's alleged conduct. In any event, because Hooker does not challenge the ruling that he failed to state a claim, we deem abandoned any argument he could have made contesting that independent adverse ruling. *See Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008) ("While we read briefs

filed by *pro se* litigants liberally, issues not briefed on appeal by a *pro se* litigant are deemed abandoned . . . ." (citation omitted)).

Hooker argues that the district court erred by not addressing whether he served Hanretta and Mulcahy, but the government expressly waived any challenge to service of process. *See Pardazi v. Cullman Med. Ctr.*, 896 F.2d 1313, 1317 (11th Cir. 2014) ("Objections to service of process, . . . can be waived by the party over whom jurisdiction is sought."). Hooker further argues that various judges should have recused due to bias and fraud, 28 U.S.C. § 455, but Hooker's disagreement with these rulings is not a valid ground for recusal. *See Draper v. Reynolds*, 369 F.3d 1270, 1279 (11th Cir. 2004).

We **AFFIRM** the dismissal with prejudice of Hooker's complaint and **DENY** his motion to stay this appeal pending his request for Congressional review.