

May 19, 2009

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

SAMMY LEE PENDLETON,

Plaintiff–Appellant,

v.

UNITED STATES PENITENTIARY
OF LEAVENWORTH; KAREN
GREEN; PAMELA BEEZY; and ALL
STAFF MEMBERS INVOLVED,

Defendants–Appellees.

No. 09-3078
(D.C. No. 5:09-CV-03041-SAC)
(D. Kan.)

ORDER AND JUDGMENT*

Before LUCERO, MURPHY, and McCONNELL, Circuit Judges.

Sammy Lee Pendleton, proceeding pro se, appeals the district court’s dismissal of his Bivens action. See Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Pendleton’s complaint alleges that employees of the United States Penitentiary in Leavenworth, Kansas, used his

* The case is unanimously ordered submitted without oral argument pursuant to Fed. R. App. P. 34(a)(2) and 10th Cir. R. 34.1(G). This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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. 32.1.

name and Social Security number to steal \$45 million from the United States Treasury. He further alleges that penitentiary employees tortured him, locked onto his brain with radar, and raped and murdered a staff member who warned Pendleton about the use of his Social Security number.

The district court dismissed the complaint pursuant to its screening function under 28 U.S.C. § 1915A, concluding that Pendleton's allegations were frivolous and "delusional." For substantially the same reasons given by the district court, we **AFFIRM**. We construe Pendleton's "Evidence in Remedy/Brief in Pleading" as a motion to file a supplemental appendix and **DENY** the motion because the submitted evidence has no bearing on our determination. All other pending motions are **DENIED**.

ENTERED FOR THE COURT

Carlos F. Lucero
Circuit Judge