

THOMAS, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 06–219

CHARLES WILKIE, ET AL., PETITIONERS *v.*
HARVEY FRANK ROBBINS

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE TENTH CIRCUIT

[June 25, 2007]

JUSTICE THOMAS, with whom JUSTICE SCALIA joins,
concurring.

The Court correctly concludes that *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U. S. 388 (1971), does not supply a cause of action in this case. I therefore join its opinion. I write separately because I would not extend *Bivens* even if its reasoning logically applied to this case. “*Bivens* is a relic of the heady days in which this Court assumed common-law powers to create causes of action.” *Correctional Services Corp. v. Malesko*, 534 U. S. 61, 75 (2001) (SCALIA, J., joined by THOMAS, J., concurring). Accordingly, in my view, *Bivens* and its progeny should be limited “to the precise circumstances that they involved.” *Malesko*, *supra*, at 75.