

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1690

WILLIAM WILBORN,

Plaintiff - Appellant,

v.

HALIFAX COUNTY (VIRGINIA) SCHOOL BOARD,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Danville. Jackson L. Kiser, Senior District Judge. (4:16-cv-00008-JLK-RSB)

Submitted: March 30, 2017

Decided: April 7, 2017

Before KEENAN, WYNN, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Melvin E. Williams, MEL WILLIAMS PLC, Roanoke, Virginia, for Appellant. R. Craig Wood, MCGUIREWOODS LLP, Charlottesville, Virginia; Tyler S. Laughinghouse, MCGUIREWOODS LLP, Richmond, Virginia; E. Rebecca Gantt, MCGUIREWOODS LLP, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Wilborn appeals the district court's order granting the Halifax County School Board's ("School Board") motion to dismiss his claims as barred by Virginia's res judicata rule. We affirm.

Wilborn filed suit in state court against the School Board, in which he alleged a violation of his due process rights and breach of contract following the School Board's decision to terminate his employment. Wilborn later nonsuited his breach-of-contract claim. The School Board filed a demurrer, and the state court sustained the demurrer and dismissed Wilborn's due-process claim with prejudice. Wilborn filed a second suit against the School Board, reasserting his previously nonsuited breach-of-contract claim and adding two additional claims. The School Board removed the action to federal district court, asserted a res judicata defense, and moved to dismiss the second complaint. Because Wilborn's claims involve the same parties and stem from the same conduct or occurrence – his termination – we agree that Virginia's res judicata rule bars his claims. *See* Va. Sup. Ct. R. 1:6 (res judicata claim preclusion).

Accordingly, we affirm for the reasons stated by the district court. *Wilborn v. Halifax Cty. Sch. Bd.*, No. 4:16-cv-00008-JLK-RSB (W.D. Va. May 23, 2016). We grant the Halifax County School Board's motion to submit this case on the briefs because the facts and legal contentions are adequately presented in the materials before this court and oral argument would not aid the decisional process.

AFFIRMED