

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1300

BRENT CLARK,

Plaintiff - Appellant,

v.

DR. VIBEKE DANKWA, individually and in her official capacity,

Defendant - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Wheeling. John Preston Bailey, District Judge. (5:23-cv-00009-JPB-JPM)

Submitted: August 25, 2023

Decided: October 26, 2023

Before HARRIS, RUSHING, and HEYTENS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Brent Edward Clark, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brent Clark appeals a district court order dismissing his claims alleging he received inadequate medical treatment while incarcerated at FCI Morgantown. Because those claims were barred by a federal statute, we affirm the district court’s judgment on alternative grounds. See, e.g., *Attkisson v. Holder*, 925 F.3d 606, 624 (4th Cir. 2019) (observing that this Court may affirm the dismissal of a suit “on any ground supported by the record,” even if it is not the basis relied upon by the district court (quotation marks omitted)).

Under the Federal Tort Claim Act’s aptly named “judgment bar,” a judgment in an action brought under the FTCA bars *all* future actions that: (1) arise out of the same set of facts; and (2) are brought against the federal employees whose conduct was challenged in the original suit. 28 U.S.C. § 2676 (“The judgment in an action under section 1346(b) of this title shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the government whose act or omission gave rise to the claim.”).

That bar applies here. In 2021, Clark filed an FTCA action against several federal defendants, including Dr. Dankwa, arising out of the same set of facts at issue here. See Complaint, *Clark v. United States*, No. 5:21-cv-00027, ECF 1 (N.D. W. Va. Feb. 19, 2021). That suit was resolved on the merits when the district court entered summary judgment against Clark. See Order, *Clark v. United States*, No. 5:21-cv-00027, ECF 168 (N.D. W. Va. Nov. 28, 2022). Given that dismissal, any future claims arising out of those facts—whether brought under state or federal law—were barred. See *Unus v. Kane*, 565 F.3d 103, 121–22 (4th Cir. 2009) (discussing the FTCA’s judgment bar).

Accordingly, we affirm the dismissal of Clark's claims. We also deny Clark's pending motion for a stay pending appeal and his motion to remand the case to state court. Finally, we dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

SO ORDERED.