

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 3, 2010

Lyle W. Cayce
Clerk

No. 09-11143

Summary Calendar

JESSE F. REECE, SR.,

Plaintiff–Appellant

v.

WALDEN AFFORDABLE, L.L.C.; FOUNTAINGATE APARTMENTS,

Defendants–Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:09-CV-00164

Before BENAVIDES, PRADO, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Jesse F. Reece, Sr., *pro se* and *in forma pauperis*, sued Walden Affordable L.L.C. and Fountaingate Apartments (collectively “Defendants”) for, among other things, unlawful discrimination with regard to his eviction from Fountaingate Apartments. The district court found Reece’s complaint frivolous and malicious, and dismissed it with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i). On appeal, Reece argues that the district court erred by dismissing his case.

* Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 09-11143

We have previously held that “in forma pauperis complaints may be dismissed as frivolous if they seek to relitigate claims that allege substantially the same facts arising from a common series of events which have already been unsuccessfully litigated by the plaintiff.” *Pittman v. Moore*, 980 F.2d 994, 994 (5th Cir. 1993). The claims in Reece’s current complaint allege facts that are virtually identical to the facts in his previous complaint, which the district court dismissed with prejudice. *Reese [sic] v. Fountaingate Apartments*, No. 7:08-CV-155, 2008 WL 5061642, at *2 (N.D. Tex. Nov. 25, 2008). Both cases allege an improper eviction in May 2007, a broken oral agreement not to evict, and an improper use of Reece’s rent money to pay Defendants’ court costs.

Because we find that the district court did not err in dismissing Reece’s claims as frivolous, we AFFIRM.