

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted August 3, 2018*

Decided August 9, 2018

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 17-3263

LARRY ORUTA,
Plaintiff-Appellant,

v.

CONTINENTAL AIR TRANSPORT COMPANY,
INCORPORATED, *et al.*,
Defendants-Appellees.

Appeal from the United
States District Court for
the Northern District of
Illinois, Eastern Division.

No. 17 C 6072
Gary Feinerman, *Judge.*

Order

The district court dismissed this suit on the ground that the claims (to the extent the judge could fathom them) duplicated those that Oruta had litigated and lost in *Oruta v. Continental Air Transport*, No. 17 C 3039 (N.D. Ill.), a case then on appeal to this court. The decision in the first suit since has been affirmed. *Oruta v. Continental Air Transport*, No. 17-2107 (7th Cir. Oct. 24, 2017)

* This successive appeal has been submitted to the original panel under Operating Procedure 6(b).

(nonprecedential decision). We must decide the appeal in this apparently duplicative suit.

Oruta's brief does not contend that the current suit differs in any material respect from the previous one—and the previous suit was itself an attempt to relitigate matters that Oruta had fully litigated and lost in state court. His appellate brief ignores both the district court's reasoning and our decision of last year. This is an unacceptable approach to litigation. Oruta surely expects his adversaries to abide by adverse decisions. He must do likewise. A never-say-die approach is frivolous, vexatious, and sanctionable. See, e.g., *Homola v. McNamara*, 59 F.3d 647 (7th Cir. 1995).

The judgment of the district court is affirmed. Oruta has 14 days to show cause why he should not be penalized for filing this frivolous appeal.