NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted December 2, 2022*
Decided January 6, 2023

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 22-1208

MELLODY ESTELLA MARIA WILLIAMS-HUNTLEY, *Plaintiff-Appellant*,	Appeal from the United States District Court for the Northern District of Illinois, Western Division.
v.	No. 3:22-cv-50020
UNITED STATES OF AMERICA, *Defendant-Appellee*.	**Iain D. Johnston**, *Judge*.

O R D E R

Mellody Williams-Huntley has repeatedly tried to bring the same employment-discrimination suit in federal court against her former employer. This case marks her third attempt. Because the district court correctly concluded that claim preclusion bars her third suit, and she makes no argument to the contrary, we affirm.

* We have agreed to decide the case without oral argument because the appeal is frivolous. FED. R. APP. P. 34(a)(2)(A).

Williams-Huntley filed her first suit after retiring from the Social Security Administration in 2019. She alleged that the agency discriminated against her in three ways, violating Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq. First, the agency awarded her only "disability" retirement benefits instead of "regular full retirement" benefits and a pension. Second, after the agency had reinstated her following an earlier discharge, it did not award her back pay. Finally, the agency sent her regular retirement benefits to "imposters" who were using her social security number, and it allowed her former coworkers to surveil her. The district court dismissed her case without prejudice and allowed her 30 days to seek leave to amend her complaint to state a plausible claim of discrimination. She sought to reinstate her case with an amended complaint, but because it did not provide any additional, relevant information, the district court entered final judgment against her. Williams-Huntley appealed, but we summarily affirmed the dismissal because she did not explain why the district court's decision was incorrect. *Huntley v. Soc. Sec. Admin.*, No. 21-2096 (7th Cir. Aug. 9, 2021).

Williams-Huntley filed a second suit asserting the same claims against the agency. *Huntley v. Soc. Sec. Admin. & Am. Fed'n of Gov't Emp.*, No. 21-cv-06389 (N.D. Ill. Dec. 30, 2021). As in the first suit, she alleged that the agency owed her full retirement benefits and "imposters" had colluded with the agency to use her social security number to steal her benefits. The district court dismissed her case "with prejudice," reasoning that her claims were barred because she either brought or could have brought them in the first suit. She did not appeal that ruling.

In her current suit, Williams-Huntley alleges, as in the two previous suits, that the agency wrongfully refused to pay her proper retirement benefits, pension, and back pay while giving her benefits to an impersonator using her social security number. This time she named the United States as the sole defendant. The district court dismissed the suit with prejudice, concluding that claim preclusion bars her lawsuit because it alleges the same claims as in her previous two suits.

On appeal, Williams-Huntley does not engage with the district court's conclusion that her claim is precluded. She simply recounts the facts of her cases, repeats district court docket entries, and states that the district court erred in dismissing her case. Even a pro se appellant must comply with the requirements for filing an appellate brief and must include an argument challenging the district court's judgment. *See Anderson v. Hardman*, 241 F.3d 544, 545–46 (7th Cir. 2001); FED. R. APP. P. 28(a)(8). We could dismiss her appeal for failing to comply with Rule 28, as we did in her previous

appeal. But we prefer to decide a case on the merits if we can, *see Boutrous v. Avis Rent a Car Sys., LLC.*, 802 F.3d 918, 924 (7th Cir. 2015), and we can do so here.

We review dismissals based on claim preclusion de novo, which means that we take a fresh look independent of the district court's view. *See Bernstein v. Bankert*, 733 F.3d 190, 225 (7th Cir. 2013). Claim preclusion bars a suit if it involves the same parties (or those who have such a close relationship that they are deemed in privity) and the same set of operative facts as in a previous case that ended in a judgment on the merits. *Id*. at 226. These elements are met here. In this case, Williams-Huntley has sued the United States, attributing to it the same interests and actions that she attributed to the Social Security Administration in her past cases. The same-party requirement is met because "[i]t is the identity of interest that controls in determining privity, not the nominal identity of the parties." *Huon v. Johnson & Bell, Ltd.*, 757 F.3d 556, 559 (7th Cir. 2014) (citations omitted). Her claims arise from the same set of facts that she alleged in her first two cases—the Social Security Administration allegedly did not grant her benefits owed to her and supposedly colluded with imposters to steal her benefits. Lastly, her second suit, which she did not appeal, was explicitly dismissed "with prejudice"—that is, on the merits. Thus, this current suit is claim-precluded. Further attempts by Williams-Huntley to re-litigate the terms of her retirement may well warrant monetary and other sanctions for frivolous litigation.

AFFIRMED.