

United States Court of Appeals
For the Eighth Circuit

No. 11-2296

Derrick D. Howard

Plaintiff - Appellant

v.

Bank of America, N.A. as successor by merger to Lasalle Bank National Association, as Trustee for Certificate Holders of Bear Stearns Asset Backed Securities 1 LLC, Asset Backed Certificates, Series 2005-HE3 c/o EMC Mortgage Corporation

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: December 11, 2012
Filed: December 14, 2012
[Unpublished]

Before MURPHY, ARNOLD, and SMITH, Circuit Judges.

PER CURIAM.

Derrick Howard appeals the district court's¹ dismissal of his civil complaint. Having carefully reviewed the record, we agree with the district court that Howard's complaint was barred by res judicata, based on a judgment rendered in Missouri court in a prior legal proceeding between the same parties, and involving the same matter that was the subject of the instant complaint. See C.H. Robinson Worldwide, Inc. v. Lobrano, 695 F.3d 758, 764 (8th Cir. 2012) (law of forum that rendered first judgment controls res judicata analysis); Niere v. St. Louis Cnty., Mo., 305 F.3d 834, 837 (8th Cir. 2002) (per curiam) (elements of res judicata under Missouri law); Vogt v. Emmons, 158 S.W.3d 243, 247 (Mo. Ct. App. 2005) (res judicata renders judgment conclusive between same parties as to all issues that might have been litigated).

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Catherine D. Perry, Chief Judge, United States District Court for the Eastern District of Missouri.