

United States Court of Appeals
For the Eighth Circuit

No. 19-2672

James Wolfbauer

Plaintiff - Appellant

v.

Ocwen Loan Servicing, LLC, a Delaware Limited Liability Company

Defendant - Appellee

Kozeny & McCubbin, The Law Firm of; Does, 1 through 10, Inclusive

Defendants

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: February 21, 2020

Filed: February 26, 2020

[Unpublished]

Before GRUENDER, WOLLMAN, and STRAS, Circuit Judges.

PER CURIAM.

James Wolfbauer appeals the district court's¹ dismissal of his pro se civil action. Our *de novo* review of the record satisfies us that dismissal was proper

¹The Honorable John M. Gerrard, Chief Judge, United States District Court for the District of Nebraska.

because Wolfbauer's claim that defendants violated Neb. Rev. Stat. § 76-1008 was barred by res judicata. See Laase v. Cty. of Isanti, 638 F.3d 853, 856 (8th Cir. 2011) (standard of review); see also Elbert v. Carter, 903 F.3d 779, 782 (8th Cir. 2018) (res judicata applies when there is (1) final judgment on merits in first action, (2) privity of parties between actions, and (3) identity of claims between actions; claims are identical when they arise out of same nucleus of operative fact or are based upon same factual predicate). The judgment is affirmed. See 8th Cir. R. 47B.
