

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIE FRED STEPHENS,
Plaintiff,
v.
JENNY ESPINOZA, et al.,
Defendants.

Case No. [18-cv-02633-VC](#) (PR)

**ORDER OF DISMISSAL WITH
PREJUDICE**

Plaintiff Willie Fred Stephens, a state inmate at San Quentin State Prison, has filed a pro se civil rights action under 42 U.S.C. § 1983 against Dr. Jenny Espinoza and Nurse Juliet De La Cruz, employees at San Quentin. His motion for leave to proceed in forma pauperis is granted in a separate order.

In this complaint, Stephens asserts the same claims against the same defendants as he asserted in a previous complaint, *Stephens v. Espinoza et al.*, Case No. C 15-00116 VC (PR). In that case, on June 28, 2016, the Court granted the defendants' motion for summary judgment and judgment was entered in favor of the defendants. See Case No. C 15-00116 VC (PR), ECF Nos. 38, 39. Stephens appealed and, on June 14, 2017, the Ninth Circuit affirmed the judgment. *Id.* at ECF No. 44. The mandate issued on February 1, 2018. *Id.* at ECF No. 47.

After claims are adjudicated on their merits, a plaintiff may not litigate the same claims against the same defendants. This is barred by the doctrine of res judicata. See *Montana v. United States*, 440 U.S. 147, 153 (1979) (under res judicata, a final judgment on the merits bars further claims by parties or their privies based on the same cause of action). Therefore, Stephens

is barred from litigating this case. It is dismissed with prejudice because amendment would be futile.

The clerk of the court shall enter a separate judgment and close the case.

IT IS SO ORDERED.

Dated: July 18, 2018



VINCE CHHABRIA
United States District Judge