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**** E-filed January 3, 2012 ****

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARTIN REIFFIN, No. C11-04625 HRL
Plaintiffs, **JUDGMENT OF DISMISSAL**
v.
BEVERLY HOEY,
Defendants.

Plaintiff Martin Reiffin has filed a pro se complaint against defendant Beverly Hoey claiming that Hoey misrepresented federal patent laws. Hoey moved to dismiss for lack of subject matter jurisdiction. In its order of January 1, 2012, this court granted Hoey's motion, denied all other pending motions, and dismissed the complaint. See Dkt. No. 47.

A dismissal for lack of subject matter jurisdiction is not a judgment on the merits and has no *res judicata* effect except as to the jurisdictional issue decided. See Fed. R. Civ. P. 41(b); Verret v. Elliot Equipment Corp., 734 F.2d 235, 238 (5th Cir. 1984); Shockley v. Jones, 823 F.2d 1068, 1073 (7th Cir. 1987). Accordingly, the Clerk of the Court shall enter Judgment of dismissal without prejudice of the complaint and claims therein, furnish copies to plaintiff and defendant, and close the file.

IT IS SO ORDERED.

Dated: January 3, 2012



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

United States District Court
For the Northern District of California

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C11-04625 HRL Notice will be electronically mailed to:

Martin Gardner Reiffin
47 Pheasant Run Terrace
Danville, CA 94506

Beverly M Hoey
313 Ray Street
Pleasanton, CA 94566

Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.