

FILED
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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Joel Jockton Beavers,

Plaintiff,

v.

Keith Watters *et al.*,

Defendants.

Civil Action No. **10 1343**

MEMORANDUM OPINION

This matter is before the Court on plaintiff’s *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff’s application and dismiss the complaint on the ground of *res judicata*.

Under the principle of *res judicata*, a final judgment on the merits in one action “bars any further claim based on the same ‘nucleus of facts’” *Page v. United States*, 729 F.2d 818, 820 (D.C. Cir. 1984) (quoting *Expert Elec., Inc. v. Levine*, 554 F.2d 1227, 1234 (D.C. Cir. 1977)). *Res judicata* bars the relitigation “of issues that were or *could have been raised* in [the prior] action.” *Drake v. FAA*, 291 F.3d 59 (D.C. Cir. 2002) (emphasis in original) (quoting *Allen v. McCurry*, 449 U.S. 90, 94 (1980)); see *I.A.M. Nat’l Pension Fund v. Indus. Gear Mfg. Co.*, 723 F.2d 944, 949 (D.C. Cir. 1983) (noting that *res judicata* “forecloses all that which might have been litigated previously”). Moreover, *res judicata* applies to dismissals for lack of jurisdiction. See *GAF Corp. v. U.S.*, 818 F.2d 901, 912 (D.C. Cir. 1987) (explaining that “[t]he judgment ordering dismissal [has] preclusive effect as to matters actually adjudicated [e.g.] the

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precise issue of jurisdiction that led to the initial dismissal); accord *Dozier v. Ford Motor Co.*, 702 F.2d 1189, 1191-92 (D.C. Cir. 1983).

This is the third time that plaintiff has filed this action, over which the Court recently determined it lacked subject matter jurisdiction. See *Beavers v. Watters*, Civ. Action No. 10-1120 (D.D.C., June 30, 2010). Because the current complaint does not cure the jurisdictional defect, it, too, will be dismissed. A separate Order accompanies this Memorandum Opinion.


United States District Judge

Date: August 4, 2010