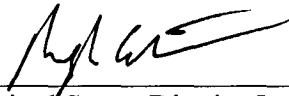


preclude plaintiff's pursuit of a third claim of ineffective assistance of appellate counsel. See *McCord v. Bailey*, 636 F.2d 606 (D.C. Cir. 1980) (finding that legal malpractice claim barred after adverse determination of ineffective assistance of counsel claim), *cert. denied*, 451 U.S. 983 (1981). He cannot evade this outcome by casting his claim as one for legal malpractice, see *Smith v. Pub. Defender Serv. for the Dist. of Columbia*, 686 A.2d 210 (D.C. 1996), or for breach of fiduciary duty, see *Hinton v. Rudasill*, 384 F. App'x 2 (D.C. Cir. 2010) (per curiam).

The Court will grant the plaintiff's application to proceed *in forma pauperis* and will dismiss the complaint because it fails to state a claim upon which relief can be granted. An Order consistent with this Memorandum Opinion is issued separately.

DATE: 11/18/2014


United States District Judge