

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

## **MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for reconsideration of the dismissal of this action as duplicative. See *Cooper v. Delo*, 997 F.2d 376, 377 (8<sup>th</sup> Cir. 1993). Based on the following, the Court will deny plaintiff's motion for reconsideration.

The Court finds that the allegations in this case mirror the civil rights and religious discrimination allegations against the very same defendants named in Moon v. Unterreiner, No. 1:15CV160 SNLJ (E.D.Mo.), which were dismissed by this Court pursuant to the doctrine of Heck v. Humphrey, 512 U.S. 477 (1994). That action is currently on appeal before the Eighth Circuit Court of Appeals. Id. As set forth in Cooper, 997 F.2d at 377, this Court's prior dismissal of plaintiff's action has a res judicata effect on his current action before this Court.<sup>1</sup> To hold otherwise would ask this Court to waste its limited judicial resources in presiding over two cases that are exactly the same.<sup>2</sup>

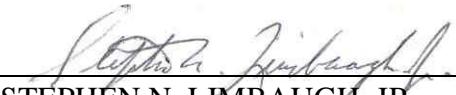
<sup>1</sup>It matters not for res judicata purposes which case was “filed” first. Rather, which case was “adjudged” first is key to the doctrine. Cases on the Court’s docket are not necessarily adjudged in the order that they are filed.

<sup>2</sup>Since the beginning of 2015, plaintiff has litigated in this Court nine (9) cases as a pauper, or under “IFP” status. Many of plaintiff’s cases appear to have the same claims and defendants. Plaintiff needs to be aware that he cannot waste judicial resources by filing the same or similar

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for reconsideration of the dismissal of this case [#7] is **DENIED**.

Dated this 24<sup>th</sup> day of November, 2015.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE

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cases as a pauper; abusive or repetitious lawsuits will result in a revocation of in forma pauperis status.