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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WARREN EASTERLING, Plaintiff, v. JUDGE CARL HENDERSON, Defendant.	:	Case No. 3:14-cv-164 JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #7); OVERRULING PLAINTIFF'S OBJECTION THERETO (DOC. #8); OVERRULING PLAINTIFF'S MOTION FOR RELIEF OF JUDGMENT OR ORDER (DOC. #6); DISMISSING CASE WITH PREJUDICE ON GROUNDS OF *RES JUDICATA*; JUDGMENT TO ENTER IN FAVOR OF DEFENDANT AND AGAINST PLAINTIFF; CERTIFYING TO THE SIXTH CIRCUIT THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by Magistrate Judge Merz, in his May 4, 2015, Report and Recommendations, Doc. #7, as well as on a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety.

As Magistrate Judge Merz explained, the above-captioned lawsuit raises claims identical to those raised and dismissed by the Court, with prejudice, in *Easterling v. Henderson*, Case No. 3:14-cv-64. If Plaintiff disagreed with the Court's decision in the earlier case, he should have filed an appeal with the Sixth

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Circuit Court of Appeals, rather than re-filing the identical lawsuit in this Court. Because the earlier case was decided on the merits, Plaintiff's re-filed claims are barred by the doctrine of *res judicata* and are subject to dismissal with prejudice on that basis.

For these reasons, the Court OVERRULES Plaintiff's Objections, Doc. #8, to the Report and Recommendations, OVERRULES Plaintiff's Motion for Relief of Judgment or Order, Doc. #6, and DISMISSES the above-captioned case WITH PREJUDICE. The Court further certifies to the Sixth Circuit that any appeal of this decision would be objectively frivolous.

Judgment shall be entered in favor of Defendant and against Plaintiff.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 1, 2015

Walter H. Rice

WALTER H. RICE
UNITED STATES DISTRICT JUDGE