HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BILLY LYONS,

Plaintiff,

v.

PACIFIC COUNTY CLERK AND ADMINISTRATOR,

Defendant.

CASE NO. C17-5335RBL

ORDER

THIS MATTER is before the Court on Defendant Doumit's Motion to Dismiss on *res judicata* grounds, and on Plaintiff Lyons's "Motion the Denial of the Letter of July 14, 2011 falls under fraud aa law – RCW 4.12.040/Wash App. Div. 3 2007 the Nine Fraud Element." [Dkt. #26].

The Court has outlined in a prior Order [Dkt. #18] that this is at least the second case Lyons has filed in the wake of his unsuccessful and un-appealed 2102 state court trial. *See Lyons v. Blauvet et al*., Cause No. CV16-5256RBL. His claims against his former attorney, Thomas Doumit, in the first case were dismissed with prejudice. Undeterred, Lyons filed this second

case, asserting the same claims against Doumit and others. The Court previously dismissed with prejudice Lyons claims against Pacific County and Dana Williams (another of Lyons's former attorneys), because the claims were identical to the claims asserted in the prior case. [Dkt. #18].

Doumit now seeks dismissal on the same basis—the prior dismissal of these claims with prejudice bars these identical claims:

Under *res judicata*, "a final judgment on the merits of an action precludes the parties or their privies from re-litigating issues that were or could have been raised in that action." *Allen v. McCurry*, 449 U.S. 90, 94 (1980). The doctrine of *res judicata* bars a party from re-filing a case where three elements are met: (1) identity of claims; (2) final judgment on the merits; and (3) identity or privity between parties. *Frank v. United Airlines, Inc.*, 216 F.3d 845, 850, n. 4 (9th Cir. 2000); *Thompson v. King Co.*, 163 Wash. App. 184 (2011).

This claim is literally a repeat of Lyons's prior claim. His response, like his pending motion and his prior filings, is incomprehensible. It does not begin to articulate a reason why this claims is not facially and fatally barred by *res judicata*.

The Motion to Dismiss is GRANTED and all of Lyons's claims against Doumit are DISMISSED with prejudice and without leave to amend. Lyons's own Motion is Denied, and Lyons is again referred to the Court's prior Order on this subject, which included the following:

> **FAIR WARNING**: if Lyons re-files any case based on the events outlined in this or the prior case(s), the Court will entertain a motion for attorneys' fees based on Lyons' repeated, vexatious and frivolous filings. It will also permit and encourage the defendants to "get to the bottom" of the authenticity of letter described above,
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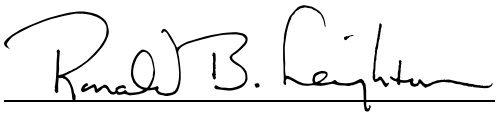
and the full range of possible consequences for submitting falsified evidence will be in play.

IT IS SO ORDERED.

Dated this 21st day of September, 2017.



Ronald B. Leighton
United States District Judge