

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**CHARLES DANIELS, Jr.,**

Plaintiff,

-vs-

**Case No. 13-C-489**

**CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,**

Defendant.

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**DECISION AND ORDER**

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Charles Daniels requests leave to proceed *in forma pauperis* on appeal from the denial of his application for social security disability benefits. Daniels already filed and lost such an appeal. *Daniels v. Astrue*, Case No. 12-C-958-LA (E.D. Wis.). That earlier decision is entitled to preclusive effect. *EEOC v. Harris Chernin, Inc.*, 10 F.3d 1286, 1289 (7<sup>th</sup> Cir. 1993). Moreover, even in the absence of claim preclusion, this newly-filed appeal is untimely by a wide margin. 42 U.S.C. § 405(g). Therefore, the Court will exercise its inherent authority to dismiss this “transparently defective” lawsuit. *Hoskins v. Poelstra*, 320 F.3d 761, 763 (7<sup>th</sup> Cir. 2003)

Therefore, Daniels’ motion to proceed IFP [ECF No. 2] is **GRANTED**, but this matter is **DISMISSED**. The Clerk of Court is directed to enter judgment accordingly.

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Dated at Milwaukee, Wisconsin, this 10th day of May, 2013.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**