

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KENNETH A. HINTON,

Plaintiff,

v.

**CORRECTIONS CORPORATION OF
AMERICA,**

Defendant.

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Civil Action No. 08-667 (RWR)

MEMORANDUM ORDER

The complaint in this case was originally filed in the Superior Court for the District of Columbia on March 19, 2008, and the defendants removed it alleging federal question jurisdiction. The cause of action in this complaint is indistinguishable from the cause of action in a complaint the plaintiff submitted to this court on February 4, 2007, which was opened as *Hinton v. Corrections Corporation of America et al.*, Civil Action No. 08-312 (RWR).¹ That action was resolved on the merits with summary judgment for the defendant. *See id.*, Mem. Op. (June 9, 2009).

Under the doctrine of res judicata, “a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action.” *Allen v. McCurry*, 449 U.S. 90, 94 (1980). “[A] final judgment on the merits in a prior suit involving the same parties . . . bars subsequent suits based on the same cause of action.”

¹ Indeed, while the one-paragraph complaint in this case is not a verbatim duplicate of the two-paragraph complaint in Civil Action No. 08-312, plaintiff’s lengthier declaration submitted with the complaint in this case is a verbatim duplicate of the one submitted in the earlier case.

I.A.M. Nat'l Pension Fund v. Indus. Gear Mfr'g, 723 F.2d 944, 946-47 (D.C. Cir. 1983) (citing *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 326 n.5 (1979)). Because this complaint is based on the same cause of action that was litigated and decided on the merits in Civil Action No. 08-312, it is hereby

ORDERED that the complaint in this action be, and hereby is, DISMISSED WITH PREJUDICE as barred by res judicata.

This is a final, appealable order. *See* Fed. R. App. P. 4.

SIGNED this 9th day of June, 2009.

/s/
RICHARD W. ROBERTS
United States District Judge