UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

John T. Pickering-George,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Civil Action No.** 09 2184
	)	
Drug Enforcement Administration Registration Unit *et al.*,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION

The plaintiff has filed a *pro se* complaint and an application to proceed *in forma pauperis*. The application will be granted and the complaint dismissed on grounds of *res judicata*.

The complaint presents claims for "mandatory *mandamus*" and damages against the Department of Justice's ("DOJ") Drug Enforcement Administration ("DEA") Registration Unit for its alleged failure to respond to the plaintiff's request for information under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA").

In relevant part, the doctrine of *res judicata* stands for the proposition that "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*, 4498 U.S. 90, 94 (1980); *see also Marrese v. American Academy of Orthopaedic Surgeons,* 470 U.S. 373, 376 n.1 (1985) (stating that its purpose is to prevent "litigation of matters that should have been raised in an earlier suit"). The instant complaint appears to be based on the same set of events that gave rise to the FOIA mandamus and damages complaint filed against the same defendant in 2007, which

was resolved by summary judgment for the defendant because the plaintiff had failed to exhaust his administrative remedies. *See Pickering-George v. Registration Unit, DEA/DOJ,* 553 F. Supp. 2d 3, 4 n.1, 5 (D.D.C. 2008) (granting summary judgment for failure to exhaust administrative remedies and advising that the exclusive nature of the FOIA precludes mandamus relief.) The plaintiff cannot now relitigate these claims. Therefore, the complaint will be dismissed as barred by *res judicata.*

A separate order accompanies this memorandum opinion.

Date: 10/29/09

United States District Judge