

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

MAY 04 2010

Clerk, U.S. District and  
Bankruptcy Courts

Michael Smith,

Plaintiff,

v.

Washington Suburban Sanitary  
Commission et al.,

Defendants.

Civil Action No.

10 0703

**MEMORANDUM OPINION**

The plaintiff has filed a an application to proceed without prepayment of fees and a pro se complaint. The application will be granted and the complaint will be dismissed in accordance with the jurisprudential doctrine of res judicata.

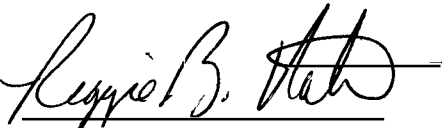
The plaintiff, Michael Smith, brings this “complaint for employment discrimination” against the Washington Suburban Sanitary Commission (“WSSC”), and three WSSC employees, and two investigators employed by the United States Equal Employment Opportunity Commission (“EEOC”). Complaint at 1. He seeks monetary damages from the WSSC and its employees, and seeks unspecified injunctive relief against the two EEOC investigators. *See id.* at 8 ¶ (A), 9 ¶ (B). Smith alleges that the three WSSC employees and the two EEOC employees had knowledge of facts material to his civil rights claims previously filed against the WSSC, *id.* ¶¶ 8, 10, that the three WSSC employees subjected Smith to discrimination and various torts, *id.* ¶ 12, and that “[a]t no time did any of the defendants . . . ever produce any evidence that WSSC or EEOC were in compliance with any of the federal laws . . . ,” *id.* ¶ 11.

Smith, who was fired in 2003 from his job with WSSC, filed employment discrimination and other claims against WSSC in 2004, which resulted in a judgment being entered in favor of the defendant. *See Smith v. Washington Suburban Sanitary Commission*, Civil Actions No: RDB-04-2288, RDB-05-1153, 2006 WL 4706998, \*8 (D. Md. Oct. 4, 2006). To the extent that Smith has stated any claim of discrimination in this complaint, it is barred by the doctrine of res judicata, which 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). Therefore, the claims against WSSC and its employees will be dismissed as barred by res judicata.

The complaint does not state a cognizable claim — either for employment discrimination or anything else — against the two EEOC investigators. These defendants had no employment relationship with Smith and owed him no duty to “produce any evidence that WSSC or EEOC were in compliance with any of the federal laws.” Complaint ¶ 11.

Accordingly, the claims against WSSC and its three employees will be dismissed on res judicata grounds, and the claims against the two EEOC investigators will be dismissed for failure to state a claim upon which relief may be granted. A separate order accompanies this memorandum opinion.

Date: April 28, 2010

  
United States District Judge