

FILED

AUG 10 2010

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
Joel Jockton Beavers,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 10 1343
)	
Keith Watters <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application and dismiss the complaint on the ground of *res judicata*.

Under the principle of *res judicata*, a final judgment on the merits in one action "bars any further claim based on the same 'nucleus of facts'" *Page v. United States*, 729 F.2d 818, 820 (D.C. Cir. 1984) (quoting *Expert Elec., Inc. v. Levine*, 554 F.2d 1227, 1234 (D.C. Cir. 1977)). *Res judicata* bars the relitigation "of issues that were or *could have been raised* in [the prior] action." *Drake v. FAA*, 291 F.3d 59 (D.C. Cir. 2002) (emphasis in original) (quoting *Allen v. McCurry*, 449 U.S. 90, 94 (1980)); see *I.A.M. Nat'l Pension Fund v. Indus. Gear Mfg. Co.*, 723 F.2d 944, 949 (D.C. Cir. 1983) (noting that *res judicata* "forecloses all that which might have been litigated previously"). Moreover, *res judicata* applies to dismissals for lack of jurisdiction. See *GAF Corp. v. U.S.*, 818 F.2d 901, 912 (D.C. Cir. 1987) (explaining that "[t]he judgment ordering dismissal [has] preclusive effect as to matters actually adjudicated [e.g.,] the

precise issue of jurisdiction that led to the initial dismissal); accord *Dozier v. Ford Motor Co.*, 702 F.2d 1189, 1191-92 (D.C. Cir. 1983).

This is the third time that plaintiff has filed this action, over which the Court recently determined it lacked subject matter jurisdiction. *See Beavers v. Watters*, Civ. Action No. 10-1120 (D.D.C., June 30, 2010). Because the current complaint does not cure the jurisdictional defect, it, too, will be dismissed. A separate Order accompanies this Memorandum Opinion.


United States District Judge

Date: August 4, 2010