

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**NOV 23 2010**

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

Gregory T. Howard,

Plaintiff,

v.

United States District Court for the  
District of Columbia and District Judge  
Colleen Kollar-Kotelly,

Defendants.

Civil Action No.

**10 2003**

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").

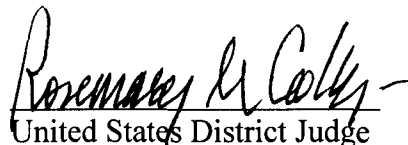
Recently, this Court dismissed plaintiff's complaint raising substantially the same claims against the named defendants on the grounds that it was frivolous, malicious and failed to state a

11

4

claim upon which relief can be granted. *Howard v. United States District Court for the District of Columbia and District Judge Colleen Kollar-Kotelly*, No. 10-1114 (UNA) (D.D.C. Jun. 30, 2010). The Court found the complaint to be malicious “because in *Howard I*, plaintiff was told more than once that he had no further recourse in this Court and was effectively barred from filing any more post-judgment motions. Yet, plaintiff persists in beating a dead horse by filing a new action based on decidedly frivolous issues.” *Id.* (citing *Howard v. United States District Court for the Southern District of Ohio*, No. 09-531 (CKK) (D.D.C. Apr. 16, 2010)) (other citation omitted).

For the foregoing reasons, the Court will dismiss this repetitive complaint with prejudice. Plaintiff is warned that his submission of any new complaints against the named defendants arising from the rulings of this Court may lead ultimately to the imposition of sanctions under Fed. R. Civ. P. 11 and/or the placement of conditions on his ability to proceed *in forma pauperis* in this Court. A separate Order accompanies this Memorandum Opinion.

  
United States District Judge

Date: November 26, 2010