

FILED

FEB - 8 2011

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

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

ROLLY O. KINNELL,

Plaintiff,

v.

Civil Action No.

11 0334

UNITED STATES DISTRICT COURT
JUDGES, *et al.*,

Defendants.

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and *pro se* complaint. The Court will grant the application, and will dismiss this action with prejudice.

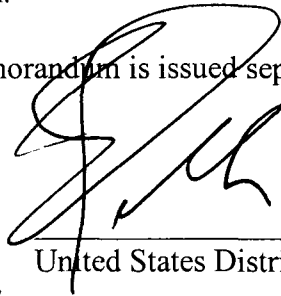
It appears that the claims set forth in the instant complaint already have been raised and decided in prior lawsuits. *See Kinnell v. U.S. District Court Judges*, No. 5:10-cv-3149, 2010 WL 3927620 (D. Kan. Oct. 4, 2010). A plaintiff is expected to "present in one suit all the claims for relief that he may have arising out of the same transaction or occurrence," *U.S. Indus., Inc. v. Blake Const. Co., Inc.*, 765 F.2d 195, 205 (D.C. Cir. 1985) (citation omitted), and under the doctrine of *res judicata*, a prior judgment on the merits of a plaintiff's claim bars the relitigation of the claim and any other claims that could have been submitted to the Court, *Allen v. McCurry*, 449 U.S. 90, 94 (1980) (*res judicata* bars not only those issues that were previously litigated, but also those that could have been but were not raised); *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"). Accordingly, because plaintiff's claims are barred by *res*

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judicata, the Court will dismiss this action.

An Order consistent with this Memorandum is issued separately on this same date.



United States District Judge

Date:

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