

JUN - 8 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of ColumbiaUNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Troy Jennings,

Plaintiff,

v.

Federal Bureau of Prisons *et al.*,

Defendants.

Civil Action No.

11 1055

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").

Plaintiff, a prisoner at the United States Penitentiary in Coleman, Florida, has submitted a complaint consisting mostly of various attachments. He argues that the Bureau of Prisons has not given him sufficient good-time credit for his educational pursuits between 2003 and 2011,

and seeks the correction of his records and monetary damages exceeding \$100,000 under the Privacy Act, 5 U.S.C. § 552a. *See* Compl. at 5-8 (page numbers supplied). However, this Court previously adjudicated the merits of plaintiff's claims covering the period of 2003 to 2008 in an action brought against the same defendants. *See* Opinion, *Jennings v. Federal Bureau of Prisons*, Civ. No. 08-1475 (PLF) (D.D.C., Sept. 25, 2009) [Dkt. # 24] (concluding that plaintiff had failed to state claims under the Privacy Act); App. No. 09-5348, Order (Aug. 10, 2010) [Dkt. # 27]) (dismissing appeal for lack of prosecution). Although plaintiff now claims violations up to 2011, he has not stated any additional facts and his administrative remedy dated January 26, 2011, again sought good-time credit from February 6, 2003 to February 6, 2008. Compl., Ex. 1. Because plaintiff is foreclosed from relitigating that issue, the case will be dismissed. A separate Order accompanies this Memorandum Opinion.

Date: June 15th, 2011


United States District Judge