

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 22 2015

**Clerk, U.S. District and
Bankruptcy Courts**

WILLIAM L. DEUERLEIN,

Plaintiff,

v.

STATE OF NEBRASKA, *et al.*,

Defendants.

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) Case: 1:15-cv-01187 Jury Demand
) Assigned To : Unassigned
) Assign. Date : 7/22/2015
) Description: Pro Se Gen. Civil (F Deck)
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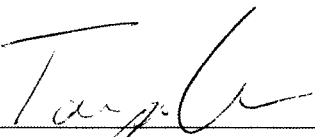
MEMORANDUM OPINION

This matter is before the Court on Plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The Court will grant the application and dismiss the complaint.

Under the doctrine of *res judicata*, a prior judgment on the merits of a claim bars a plaintiff from relitigating the same claim. 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"). "[W]here *res judicata* applies, it bars relitigation not only as to all matters which were determined in the previous litigation, but also as to all matters that might have been determined." *Natural Res. Def. Council, Inc. v. Thomas*, 838 F.2d 1224, 1252 (D.C. Cir. 1988) (citation omitted); see *Allen v. McCurry*, 449 U.S. 90, 94 (1980). In evaluating a cause of action for *res judicata* purposes, it is the factual nucleus that gives rise to a plaintiff's claim, not the legal theory on which the claim rests, that determines whether the claim may proceed. *Page v. United States*, 729 F.2d 818, 820 (D.C. Cir. 1984).

Generally, the plaintiff alleges violations of constitutionally protected rights by the State of Nebraska and those involved in proceedings which ultimately resulted in the termination of plaintiff's parental rights. Because the United States District Court for the District of Nebraska has considered and ruled upon these same claims in a prior civil action, *see Deuerlein v. Nebraska*, No. 8:15CV14, 2015 WL 1608687 (D. Neb. Apr. 10, 2015), this Court concludes that the plaintiff's claims are barred under the doctrine of *res judicata*. Therefore, the complaint will be dismissed. An Order accompanies this Memorandum Opinion.

DATE: 7/21/2015


United States District Judge