

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

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|---------------------------|---|---|
| RICHARD MAX FLEMING, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case: 1:16-cv-00606 |
| v. |) | Assigned To : Unassigned |
| |) | Assign. Date : 4/1/2016 |
| UNITED STATES OF AMERICA, |) | Description: Pro Se Gen. Civil (F Deck) |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* pleading titled "Tort Claim and Motion for Summary Judgment and Remedies Pursuant to the ICCPR [T]reaty." For the reasons discussed below, the Court will dismiss this action.

"Under the doctrine of res judicata, or claim preclusion, a subsequent lawsuit [is] barred if there has been prior litigation (1) involving the same claims or cause of action, (2) between the same parties or their privies, and (3) there has been a final, valid judgment on the merits, (4) by a court of competent jurisdiction." *Smalls v. United States*, 471 F.3d 186, 192 (D.C. Cir. 2006) (citations omitted). Plaintiff purports to bring this action under the International Covenant on Civil and Political Rights, notwithstanding another district court's ruling on a substantially similar claim that "the ICCPR is not enforceable in federal courts on behalf of individual plaintiffs." *See Fleming v. United States*, No. 3:13-CV-00154, 2013 WL 5838719, at *3 (D. Nev. Oct. 29, 2013), *aff'd*, 616 F. App'x 223 (9th Cir. 2015), *pet. for cert. docketed*, No. 15-8425 (U.S. Mar. 3, 2016).

The Court concludes that plaintiff's claim is barred and, accordingly, this action will be dismissed. An Order is issued separately.

DATE: 3/30/16


United States District Judge