

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

RICHARD M. FLEMING,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 17-1142 (UNA)
)	
IOWA BOARD OF MEDICAL)	
EXAMINERS, <i>et al.</i> ,)	
)	
Defendants.)	

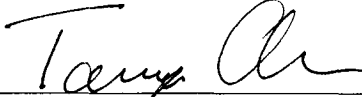
MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* pleading titled "Complaint with Opening Brief – Directed by SCOTUS to file this case of Original Jurisdiction with the Federal District Court. Re: Violation of Due Process and Equal Protection Rights Under IA & US Constitution Article VI & 14th Amendment." It appears that plaintiff – again – alleges violations of due process and equal protection rights and seeks remedies under the International Covenant on Civil and Political Rights, notwithstanding another court's ruling that "the ICCPR is not enforceable in federal courts on behalf of individual plaintiffs." *Fleming v. United States*, No. 3:13-CV-00154, 2013 WL 5838719, at *3 (D. Nev. Oct. 29, 2013) (dismissing action under the ICCPR seeking damages for the loss of his medical license as a result of his felony conviction), *aff'd*, 616 F. App'x 223 (9th Cir. 2015), *cert. denied*, 136 S. Ct. 1722 (2016); *see Fleming v. Iowa Bd. of Med.*, No. C16-0161, 2016 WL 4487875, at *3 (N.D. Iowa Aug. 24, 2016) (finding that case brought under 28 U.S.C. § 2241, the ICCPR, and constitutional provisions pertaining to plaintiff's belief "that the defendants defamed him and/or violated his right to due process when

they took part in a substandard investigation concerning his license to practice medicine” is frivolous and fails to state a claim upon which relief can be granted). These claims are precluded because 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).

The Court will grant plaintiff’s application to proceed *in forma pauperis* and will dismiss the complaint. An Order is issued separately.

DATE: June 21, 2017


United States District Judge