UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA



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

BRETT ANDREW NELSON, Petitioner, v. KERI ANN YODER, *et al.*, Respondents.

Civil Action No. 21-1168 (UNA)

MEMORANDUM OPINION

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This matter is before the Court on review of this *pro se* petitioner's application to proceed *in forma pauperis* and his Motion to Confirm the Unchallenged Arbitration Award (ECF No. 1, "Pet."). Petitioner asserts that he and the respondents entered into a contract on May 23, 2018, which provided that the parties would submit to an arbitration process if a dispute arose. *See* Pet. ¶¶ 1-2. According to petitioner, he initiated arbitration proceedings in October 2019, and an arbitrator issued a decision on November 27, 2019 in his favor. *See id.* ¶¶ 3-4; *see also* Pet., Ex. (ECF No. 1-1). This is not petitioner's first effort to enforce the same arbitration agreement.

Petitioner filed a petition in the U.S. District Court for the Middle District of Georgia demanding enforcement of the same arbitration agreement against the same respondents. *See Nelson v. Jackson*, No. 3:20-cv-0028 (M.D. Ga. Feb. 24, 2020). That court granted respondents' motion to dismiss the petition, as amended, for failure to state a claim upon which relief can be granted. *See Nelson v. Jackson*, No. 3:20-cv-0028 (M.D. Ga. Jan. 26, 2021), *appeal docketed*, No. 21-10440 (11th Cir. Feb. 8, 2021). It appears, then, that this civil action is duplicative, and the matter has been resolved on the merits in the Middle District of Georgia. Therefore, the Court concludes that petitioner's claims are barred. *See Stark v. Holder*, No. 1:15-CV-0202, 2015 WL 1137724, at *2 (D.D.C. Mar. 13, 2015) (dismissing petition "seeking enforcement of the same agreement as against the same defendants and for confirmation of the same arbitration award" that another district court dismissed with prejudice). Nelson's path forward is to appeal that ruling, which he has done, not to seek a do-over in another district. *Cf. MacKenzie v. Fudge*, No. 1:20-CV-00411 (TNM), 2021 WL 1061220, at *1 (D.D.C. Mar. 18, 2021) ("Because he brought and lost the same claims in another federal court several years ago, MacKenzie cannot relitigate them here.").

The Court will grant petitioner's application to proceed *in forma pauperis* and dismiss the petition. An Order is issued separately.

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TREVOR N. McFADDEN United States District Judge

DATE: May 17, 2021