

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5032

September Term, 2018

1:18-cv-02667-UNA

Filed On: June 5, 2019

Dennis Andrew Ball,

Appellant

v.

John Does 1-X, et al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Tatel and Millett, Circuit Judges, and Sentelle, Senior Circuit Judge

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief and appendix filed by the appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court’s order, filed January 18, 2019, be affirmed. The district court properly dismissed appellant’s complaint under the doctrine of res judicata. See *Allen v. McCurry*, 449 U.S. 90, 94 (1980) (“Under res judicata, a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action.”). Appellant’s current and prior cases involved the same parties and shared a common “nucleus of facts.” Drake v. FAA, 291 F.3d 59, 66 (D.C. Cir. 2002) (“Whether two cases implicate the same cause of action turns on whether they share the same ‘nucleus of facts.’”). Res judicata thus bars appellant from relitigating not only matters determined in his previous litigation but also ones that he could have raised. See *Nat. Res. Def. Council, Inc. v. Thomas*, 838 F.2d 1224, 1252 (D.C. Cir. 1988); Page v. United States, 729 F.2d 818, 820 (D.C. Cir. 1984). Finally, to the extent appellant sought to challenge the dismissal order issued in his prior case, the district court properly concluded that it lacked authority to review decisions of another federal district court. See 28 U.S.C. § 1294(1) (Appeals from reviewable decisions of a district court must be taken “to the court of appeals for the circuit embracing the district.”).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk