

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5232

September Term, 2019

1:19-cv-01569-UNA

Filed On: January 14, 2020

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: Katsas and Rao, 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 filed by 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 August 1, 2019, be affirmed. Because appellant’s complaint asserts claims against defendants who were also named as defendants in prior litigation that was decided by the district court, and those claims share a common “nucleus of facts,” the district court correctly concluded that the claims against those defendants are barred by 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.”); 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.’”). Moreover, to the extent appellant seeks to compel the United States Attorney for the District of Arizona or any other defendant to initiate criminal proceedings, the district court properly held that “a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.” Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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/

Daniel J. Reidy
Deputy Clerk