

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20270
Summary Calendar

ONESIMO CEDILLO,

Plaintiff-Appellant,

versus

SHEILA WIDNALL, Secretary of the
Air Force or Her successor in office,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CV-2470

April 18, 2001

Before GARWOOD, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Onesimo Cedillo, Texas state prisoner #512984, appeals the district court's grant of summary judgment for the Secretary of the Air Force on his claims regarding the Air Force's denial of benefits and accrued leave upon Cedillo's discharge from the Air Force. Cedillo argues that the district court erred in granting summary judgment for the Secretary on grounds of res judicata and collateral estoppel. He also contends that the district court erred in refusing to grant his request for a continuance under

*Pursuant to 5TH CIR. R. 47.5 the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Fed. R. Civ. P. 56(f) and in granting a stay in discovery pending its ruling on summary judgment.

This court reviews the district court's grant of summary judgment *de novo*. *Hale v. Townley*, 45 F.3d 914, 917 (5th Cir. 1995); *Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc). The district court did not err in granting summary judgment for the Secretary because Cedillo's claims were barred by *res judicata*. See *Allen v. McCurry*, 449 U.S. 90, 94 (1980); *Russell v. SunAmerica Sec., Inc.*, 962 F.2d 1169, 1172-73 (5th Cir. 1992). The district court did not abuse its discretion in staying discovery pending resolution of the Secretary's summary judgment motion and in refusing to grant a continuance under Fed. R. Civ. P. 56(f). See *Schultea v. Wood*, 47 F.3d 1427, 1433-34 (5th Cir. 1995); *Securities & Exchange Comm'n v. Spence & Green Chem. Co.*, 612 F.2d 896, 901 (5th Cir. 1980).

AFFIRMED