

April 20, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60947
Summary Calendar

TYREE W. BROWN,
Plaintiff-Appellant,

versus

THE DOW CHEMICAL COMPANY,
Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
No. 3:05-CV-00241-WHB-AGN

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Tyree W. Brown appeals the decision of the District Court granting summary judgment on his claims and dismissing them with prejudice. Brown has filed numerous claims stemming from the death of his brother twenty-five years ago, alleging on various theories that he or other family members were exposed to chemicals produced by Dow.

The present claim before us asserts that the plaintiff was exposed to the chemical pentachlorophenol by Dow Chemical and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

suffers cancer and post-traumatic stress syndrome as a result. Brown's claims are based on the same facts as a 2001 lawsuit involving the same parties which was dismissed on the grounds that Brown had not offered evidence attributing his injuries to Dow Chemical. The District Court properly held that the present lawsuit is foreclosed by the doctrine of res judicata. Petro-Hunt, L.L.C. v. United States, 365 F.3d 385, 395-96 (5th Cir. 2004).

The district court's judgment is AFFIRMED.