

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 19, 2010

No. 09-10286

Lyle W. Cayce
Clerk

TERESA WARD COOPER,

Plaintiff - Appellant

versus

CITY OF DALLAS

Defendant - Appellee

TERESA WARD COOPER,

Plaintiff - Appellant

v.

CITY OF DALLAS; CHIEF OF POLICE DAVID KUNKLE, in his individual
and official capacity

Defendants - Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:04-CV-02407-N

Before JONES, Chief Judge, and JOLLY and GARZA, Circuit Judges.

No. 09-10286

PER CURIAM:*

The instant appeal arises from two consolidated federal cases filed by Teresa Ward Cooper seeking employment related relief against the City of Dallas and City officials. On October 15, 2007, the City moved for summary judgment on res judicata grounds. The magistrate judge found that a Texas state court had entered final judgment on March 6, 2006, denying Cooper the relief she sought against the City. The magistrate judge held that the state court judgment was a final judgment on the merits, that the defendants in the state court action were identical or in privity with the defendants here, and that Cooper could have raised the claims presented here in that state action. The magistrate judge thus recommended that the City's motion for summary judgment be granted. The trial court adopted the magistrate judge's finding and granted summary judgment to the City on res judicata grounds.

We have reviewed the briefs, relevant portions of the record, including the opinions, the judgments, and the applicable law. We find no reversible error. The judgment is AFFIRMED, essentially for the reasons provided in the findings and recommendations of the magistrate judge, as adopted by the district court.¹ See 5TH CIR. R. 47.6.

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ Appellant also argues, on appeal, that the City is judicially estopped from raising its res judicata defense. Because judicial estoppel was not properly presented to the magistrate judge, we cannot address it here. *Cupit v. Whitley*, 28 F.3d 532, 535 (5th Cir. 1994).