

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 3, 2011

Lyle W. Cayce  
Clerk

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No. 10-51012  
Summary Calendar

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MICHAEL C. SMART

Plaintiff-Appellant

v.

UNITED STATES OF AMERICA

Defendant-Appellee

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Appeal from the United States District Court  
for the Western District of Texas, El Paso  
USDC No. 3:10-00132

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Before KING, BENAVIDES, and ELROD, Circuit Judges..

PER CURIAM:\*

Michael Smart has filed a series of pro se lawsuits against federal agencies, officers, and employees. The instant appeal is from the dismissal of his cause of action based upon res judicata. Smart asserts general conclusions with very little detail and makes no references to the record. It is clear, however, that the nucleus of this suit is the same as the previous case that was dismissed by a district court in our circuit and affirmed by this Court on appeal. The district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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court correctly determined that res judicata applied and dismissed the claim herein. This appeal is DISMISSED as frivolous.