

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

\_\_\_\_\_  
No. 13-30550  
Summary Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

October 29, 2013

Lyle W. Cayce  
Clerk

GAYL PAYTON,

Plaintiff–Appellant,

versus

HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY,

Defendant–Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:12-CV-387  
\_\_\_\_\_

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-30550

Gail Payton sued Hartford Life and Accident Insurance Company (“Hartford”), the insurer and claims administrator of an ERISA-governed group long-term disability benefit plan in which she had been a participant, challenging the decision to terminate her benefits. The district court granted summary judgment to Hartford on the ground of *res judicata* based on a judgment in a similar suit in which Payton’s claims were denied. Payton appeals *pro se*.

In its Order and Reasons, the district court correctly observed that “[t]he instant matter appears to represent an attempt on the part of Plaintiff to supplement her claims from the original law suit with additional documentation.” The court explained that “the instant suit concerns the same policy, the same alleged injuries and disabling condition, and the same time period.”

Payton cannot litigate the same issues twice. The summary judgment is **AFFIRMED**.