

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

No. 16-20183
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 23, 2017

Lyle W. Cayce
Clerk

WILLIS FLOYD WILEY,

Plaintiff-Appellant

v.

AMERICAN ZURICH INSURANCE COMPANY,

Defendant-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CV-3241

Before DAVIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Willis Floyd Wiley filed a pro se civil rights complaint against the American Zurich Insurance Company (Zurich) alleging that Zurich violated his rights under the Fourteenth Amendment by failing to pay workers compensation death benefits for the death of his father. Zurich filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). The district court ordered that the suit be dismissed because litigation of the alleged violation of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 16-20183

Wiley's rights under the Fourteenth Amendment by Zurich was barred by the doctrine of res judicata. Wiley appealed.

“Claim preclusion, or res judicata, bars the litigation of claims that either have been litigated or should have been raised in an earlier suit.” *Test Masters Educational Services, Inc. v. Singh*, 428 F.3d 559, 571 (5th Cir. 2005). “The res judicata effect of a prior judgment is a question of law that this court reviews de novo.” *Id.* Wiley has not shown that the district court's order in his first case was not a final order on the merits of the federal claim he sought to raise in the suit now on appeal. *See* 28 U.S.C. § 1367(c)(3); *United States v. Shanbaum*, 10 F.3d 305, 310 (5th Cir. 1994).

AFFIRMED.