

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

United States Court of Appeals
Fifth Circuit

FILED
July 11, 2011

No. 10-20274
Summary Calendar

Lyle W. Cayce
Clerk

ELIZABETH THOMAS,

Plaintiff-Appellant

v.

ARDYSS INTERNATIONAL, INCORPORATED,

Defendant-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:09-CV-1366

Before KING, JOLLY, and STEWART, Circuit Judges.

PER CURIAM:*

Elizabeth Thomas appeals the dismissal of this federal civil suit on grounds that a Texas court judgment is a res judicata bar. Thomas has failed to establish that the district court erred in dismissing her suit. *See Black v. North Panola Sch. Dist.*, 461 F.3d 584, 588 (5th Cir. 2006); *Travelers Ins. Co. v. Joachim*, 315 S.W.3d 860, 862-66 (Tex. 2010). Her collateral attacks on the state court judgment — which confirmed an arbitration award — and on that arbitration agreement and on the arbitration award as well, are barred by res

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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judicata. *See Oreck Direct, LLC v. Dyson, Inc.*, 560 F.3d 398, 401 (5th Cir. 2009) (citing *In re Williams*, 298 F.3d 458, 461-62 (5th Cir. 2002)). The dismissal of Thomas's suit on res judicata grounds renders moot her challenge to the district court's order compelling arbitration. *See Dailey v. Vought Aircraft Co.*, 141 F.3d 224, 227 (5th Cir. 1998); *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987).

Thomas's contention that the district court abused its discretion in granting a stay based on the Colorado River abstention has no merit. *Cf. Am. Guarantee & Liab. Ins. Co. v. Anco Insulations, Inc.*, 408 F.3d 248, 250-51 (5th Cir. 2005).

The motion for sanctions is denied. *Cf. FED. R. APP. P. 46(c); In re Snyder*, 472 U.S. 634, 645 (1985). The motion for judicial notice and amended motion for judicial notice are denied as unnecessary. Thomas's pleading entitled "Review of Judicial Notice Decision," to the extent that it moves for judicial notice, is denied. *Cf. FED. R. EVID. 201(a)*.

AFFIRMED; MOTIONS DENIED.