

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-1062**September Term, 2013****EDUC-11/13/12 Letter****Filed On:** December 11, 2013

Eric Flores,

Petitioner

v.

United States Department of Education and
United States Department of Justice,

Respondents

BEFORE: Rogers, Tatel, and Srinivasan, Circuit Judges

ORDER

Upon consideration of the motion to dismiss the petition for lack of subject matter jurisdiction, the opposition thereto, the court's order to show cause filed on July 30, 2013, and the response thereto, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that the petition for review be dismissed on grounds of res judicata. "[T]he doctrine of res judicata applies to dismissal for lack of jurisdiction as well as for other grounds ...," Dozier v. Ford Motor Co., 702 F.2d 1189, 1191 (D.C. Cir. 1983), the United States Court of Appeals for the Fifth Circuit has granted a virtually identical motion to dismiss similar petitions concerning the findings letter at issue here, see Flores v. United States Department of Education, No. 13-60078 (5th Cir. May 3, 2013) (per curiam), and petitioner has not shown that a dismissal on res judicata grounds is unwarranted in these circumstances. It is

FURTHER ORDERED that the motion to dismiss be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam