

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

**United States Court of Appeals
For the First Circuit**

No. 00-2132

KEVIN RONDEAU,
Plaintiff, Appellant,

v.

STATE OF NEW HAMPSHIRE, ET AL.,
Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

[Hon. Joseph A. DiClerico, Jr., U.S. District Judge]

Before

Boudin, Chief Judge,
Selya and Lynch, Circuit Judges.

Kevin R. Rondeau on brief pro se.
Charles P. Bauer and Ransmeier & Spellman Professional Corporation on brief for appellees.

August 2, 2001

Per Curiam. Appellant, Kevin Rondeau, appeals the district court's dismissal of his complaint on the ground of res judicata. We give plenary review to a ruling based on res judicata. Porn v. National Grange Mut. Ins. Co., 93 F.3d 31, 33 (1st Cir. 1996). We have carefully reviewed the parties' briefs and the record on appeal. Upon our independent review, we affirm, essentially for the reasons stated in the district court's orders, dated July 18, 2000, and September 13, 2000.

In addition, there was neither error of law nor abuse of discretion in the district court's refusal to recuse itself or to retransfer this case to the United States District Court for the Southern District of Ohio. Rondeau also complains that the district court refused to permit him to represent his minor child or, in the alternative, to appoint counsel for her. But, there was no prejudice as a result of the court's decision. Rondeau had previously filed an identical complaint in 1998 and he was permitted to litigate in that case on behalf of himself and on behalf of his minor child. We affirmed the dismissal of that complaint in Rondeau v. State of New Hampshire, No. 98-1802, (1st Cir. Feb. 26, 1999) (unpublished per curiam). Because the instant case was properly dismissed on the basis of res judicata -- a basis that would have remained a proper ground

for dismissal even if the district court had permitted Rondeau to represent the interests of that minor child in this case as well -- there was no prejudice as a result of the district court's refusal to permit Rondeau to represent that child or to appoint counsel for her in this case.

The motion to review the entire district court record is granted.

Appellant's motions to strike the appellees' brief are denied.

The judgment of the district court, dated September 14, 2000 is affirmed.