

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

October 14, 2005

Clerk of Court

SEYED A. NAZARINIA,

Plaintiff-Appellant,

v.

WASHINGTON MUTUAL BANK,
INC.,

Defendant-Appellee.

No. 05-4074

District of Utah

(D.C. No. 04-CV-1119-DB)

ORDER AND JUDGMENT *

Before **SEYMOUR** , **HARTZ** , and **McCONNELL** , Circuit Judges.

In the summer of 1998, Plaintiff-Appellant Seyed Nazarinia took out a home mortgage loan with Defendant-Appellee Washington Mutual Bank. On June 5, 2000, Plaintiff filed a complaint with the Utah Anti-Discrimination and Labor

*After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). This case is therefore submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Division (“the Division”) alleging discriminatory and predatory practices in connection with the mortgage transaction, in violation of various state and federal laws. The Division conducted an evidentiary hearing and issued an order finding “no reasonable cause” for Plaintiff’s claims. On January 12, 2004, Plaintiff filed a complaint in the Third District Court of Utah, alleging the same violations. The state court held a hearing at which Plaintiff appeared, and then dismissed the complaint on the merits. Plaintiff appealed, and the Third District Court decision was affirmed by the Utah Court of Appeals, in a memorandum decision dated November 4, 2004.

Plaintiff filed the instant case in federal court on December 7, 2004. The district court dismissed the action on res judicata grounds, finding that both plaintiff and defendant were parties to the state court litigation, that the claims presented in state court were based on the same financing transactions and the same statutes as those presented in this case, and that the state court proceeding ended in a dismissal. *See Snyder v. Murray City Corp.*, 73 P.3d 325, 332 (Utah 2003) (setting forth the elements required for res judicata). Plaintiff’s largely incomprehensible brief in this Court provides no reason to question the district court’s decision. Because Plaintiff is proceeding pro se, we have liberally construed his pleadings in compliance with *Haines v. Kerner*, 404 U.S. 519, 520 (1972), but even so, can detect no meritorious argument. In our legal system,

litigants are entitled to their day in court, but when they have litigated and lost in state court, they are not entitled to a do-over in federal court. We therefore **AFFIRM** the judgment of the United States District Court for the District of Utah for the reasons stated in its Order of Dismissal.

Entered for the Court,

Michael W. McConnell
Circuit Judge