

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Tripati v. Henman

857 F.2d 1366 (9th Cir. 1988) · Decided September 26, 1988

SUMMARY

The Ninth Circuit held that a district court judgment retains preclusive effect for res judicata purposes while an appeal or Rule 59(e) motion is pending. Because Tripati’s identical law-library claim had already been resolved in an earlier action, the court affirmed dismissal of the later action without reaching the underlying constitutional issue.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Per curiam; Brunetti; Kozinski; Thompson
JURISDICTION	Federal
DECIDED	September 26, 1988
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's grant of summary judgment for federal prison officials in a duplicative civil-rights action concerning the adequacy of a prison law library.
STANDARD OF REVIEW	The court reviewed whether the prior judgment had preclusive effect as a legal question and reviewed the grant of summary judgment under the applicable summary-judgment standard.
PRECEDENTIAL VALUE	Published, precedential Ninth Circuit decision
PARTIES	Anant Kumar Tripati v. Henman, Federal prison officials

TOPICS

- res judicata
- appellate jurisdiction
- motion for reconsideration
- summary judgment
- civil rights

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Civil rights

QUESTIONS PRESENTED

1. Whether a judgment retains its res judicata consequences while an appeal is pending.

2. Whether a pending Rule 59(e) motion deprives a judgment of finality for res judicata purposes.
3. Whether the district court properly barred the identical law-library claim in the second action based on the judgment in the first action.

HOLDINGS

1. A final judgment retains its res judicata consequences while an appeal is pending.
2. A pending Rule 59(e) motion does not deprive a judgment of finality for res judicata purposes.
3. The district court correctly held that its rejection of Tripati's law-library claim in the first action precluded consideration of the identical claim in the second action.

KEY QUOTATIONS

“The established rule in the federal courts is that a final judgment retains all of its res judicata consequences pending decision of the appeal.” (857 F.2d at 1367)

“A pending Rule 59(e) motion similarly does not deprive a judgment of finality for res judicata purposes.” (857 F.2d at 1367)

“The law library claim having been first raised and resolved in action # 1, it must be finally disposed of in that action.” (857 F.2d at 1368)

FACTUAL BACKGROUND

Tripati challenged the adequacy of the law library at the Federal Correctional Institution at Tucson, alleging that it impaired his constitutional access to the courts in defending civil forfeiture actions. The district court rejected that claim in the first action by granting summary judgment for the prison officials. While a notice of appeal and a Rule 59(e) motion were pending in the first action, Tripati filed a nearly identical second complaint against many of the same defendants.

PROCEDURAL HISTORY

Tripati filed one action challenging the adequacy of the law library at the Federal Correctional Institution in Tucson, and the district court granted the officials' cross-motion for summary judgment. While that action and a Rule 59(e) motion remained pending, Tripati filed a nearly identical second action. The district court granted summary judgment in the second action on the ground that the claim was precluded by the ruling in the first action. The Ninth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Lindquist v. Idaho State Board of Corrections, 776 F.2d 851 (9th Cir. 1985)
- Tripati v. Henman, 845 F.2d 205 (9th Cir. 1988)

- SSIH Equipment S.A. v. United States International Trade Commission, 718 F.2d 365, 370 (Fed. Cir. 1983)
- Warwick v. Maryland Department of Transportation, 573 F. Supp. 1011, 1014 (D. Md. 1983), aff'd without opinion, 735 F.2d 1359 (4th Cir. 1984)
- Russell v. Commissioner, 678 F.2d 782, 786 (9th Cir. 1982)

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