

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 04-3424

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James R. Jones, Jr.,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Western District of Missouri.
City of Kansas City, Missouri;	*	
Wayne Cauthen, City Manager of	*	[UNPUBLISHED]
Kansas City, Missouri,	*	
	*	
Appellees.	*	

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Submitted: September 7, 2005  
Filed: September 22, 2005

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Before MELLOY, MAGILL, and GRUENDER, Circuit Judges.

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PER CURIAM.

James R. Jones, Jr. brought this employment-discrimination action alleging that the City of Kansas City, Missouri (City) had failed to compensate him at the appropriate level because of his age. He filed the action after the district court<sup>1</sup> dismissed his earlier employment-discrimination suit in which he claimed that, during the same period, the City had failed to promote him because of his age. See Jones v.

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<sup>1</sup>The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

City of Kansas City, Mo., Civ. No. 04-310 (W.D. Mo. June 17, 2004) (Jones I). The City moved to dismiss Jones's action as precluded by Jones I under the doctrine of res judicata. The district court granted the City's motion to dismiss. Jones appeals.

We review de novo a dismissal on res judicata grounds, see Lundquist v. Rice Mem'l Hosp., 238 F.3d 975, 976-77 (8th Cir. 2001), and we agree with the district court's conclusion that the instant suit is res judicata barred: Jones's claim that he is entitled to higher compensation arises out of the same nucleus of operative facts as those at issue in Jones I, see Daley v. Marriott Int'l, Inc., 415 F.3d 889, 896 (8th Cir. 2005), and could have been raised in Jones I, see Lundquist, 238 F.3d at 977 (8th Cir. 2001). After careful consideration, we also conclude that Jones's other arguments do not provide any basis for reversal.

Accordingly, we affirm. See 8th Cir. R. 47B.

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