



as a member of the Arkansas State Board of Architects; Larry Jegley, in his official capacity as prosecuting attorney for Pulaski County, Arkansas and the Sixth Judicial District on behalf of himself and other similarly situated persons; Mike Beebe, in his official capacity as Attorney General for the State of Arkansas Defendants,  
Appellees.

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Submitted: June 16, 2005  
Filed: June 27, 2006

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Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

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PER CURIAM.

Robert D. Holloway brought a 42 U.S.C. § 1983 action in which he claimed that the Arkansas statutes defining the practices of architecture and engineering are unconstitutionally vague, and that the Arkansas State Board of Architects (ASBA) violated his due process rights when it enforced the statutes against him. He filed the complaint after the Arkansas Supreme Court had affirmed the ASBA’s enforcement action against Holloway; as relevant to this appeal, the Arkansas Supreme Court rejected Holloway’s argument that the statutes are unconstitutionally vague and violated his due process rights as applied to him. See Holloway v. Ark. State Bd. of Architects, 101 S.W.3d 805, 808-12 (Ark. 2003). The district court<sup>1</sup> dismissed the

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<sup>1</sup>The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

instant section 1983 action as barred by the Rooker-Feldman<sup>2</sup> doctrine, and we affirmed. See Holloway v. Ark. State Bd. of Architects, 103 Fed. Appx. 76, 76-77 (8th Cir. 2004) (unpublished per curiam). The case is before us again upon remand from the Supreme Court for further consideration in light of Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280 (2005). See Holloway v. Arkansas State Bd. of Architects, 544 U.S. 957 (2005). After careful consideration of Exxon Mobil and the parties' supplemental briefs, we once again affirm.

Regardless whether the Rooker-Feldman doctrine applies in this case, Holloway's action cannot survive application of Arkansas's issue-preclusion rules, because the Arkansas Supreme Court in Holloway v. Ark. State Bd. of Architects specifically considered and rejected the very arguments upon which the instant section 1983 action is premised. See Exxon Mobil Corp., 544 U.S. at 293 (disposition of federal action, once state-court adjudication is complete, is governed by preclusion law, and federal court must give same preclusive effect to state-court judgment as another court of that state would give); Johnson v. Union Pac. R. R., 104 S.W.3d 745, 750 (Ark. 2003) (collateral estoppel or issue preclusion bars relitigation of issues of law and fact previously litigated by a party; "elements of collateral estoppel are: (1) the issue sought to be precluded must be the same as that involved in the prior litigation; (2) the issue must have been actually litigated; (3) it must have been determined by a valid and final judgment; and (4) the determination must have been essential to the judgment"; mutuality of parties is not required). Although Holloway argues that Count V of his action is not barred because it seeks prospective relief, collateral estoppel applies nonetheless, because his claim is still premised on an assertion that the Arkansas statutes are unconstitutionally vague, an issue that was resolved against him by the Arkansas Supreme Court.

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<sup>2</sup>See Rooker v. Fid. Trust Co., 263 U.S. 413 (1923); D. C. Court of Appeals v. Feldman, 460 U.S. 462 (1983).

Accordingly, we affirm.

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