

United States Court of Appeals
For the Eighth Circuit

No. 16-1507

Myron Hubbard

Plaintiff - Appellant

v.

Missouri Department of Mental Health; St. Louis Psychiatric Rehabilitation
Center; Metropolitan St. Louis Psychiatric Center

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: October 20, 2016
Filed: October 24, 2016
[Unpublished]

Before SMITH, BENTON, and, SHEPHERD, Circuit Judges.

PER CURIAM.

Myron Hubbard appeals the dismissal of his Title VI action. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Following de novo review, this court finds the district court¹ properly concluded Hubbard's claims are barred by res judicata and that Hubbard was not entitled to an equitable exception to the doctrine. *See Laase v. Cty. of Isanti*, 638 F.3d 853, 856 (8th Cir. 2011) (de novo review of dismissal based on res judicata); *Magee v. Hamline Univ.*, 775 F.3d 1057, 1059 (8th Cir. 2015) (listing res judicata factors); *Walker v. Trinity Marine Products, Inc.*, 721 F.3d 542, 545 (8th Cir. 2013) (plaintiff invoking equitable estoppel must show she has changed position to her detriment in reasonable reliance on another's misleading representation). Nor was Hubbard entitled to relief from the prior judgment, which was affirmed on appeal, under Fed. R. Civ. P. 60. *See Superior Seafoods, Inc. v. Tyson Foods, Inc.*, 620 F.3d 873, 878 (8th Cir. 2010) (Rule 60(d)(3) relief is extraordinary form of relief, and is available only when it would be unconscionable to allow judgment to stand); *In re SDDS, Inc.*, 225 F.3d 970, 972 (8th Cir. 2000) (Rule 60(b) motion cannot be used to collaterally attack court of appeals ruling in lieu of petition for review in United States Supreme Court).

The judgment is affirmed. The pending motions are denied as moot.

¹The Honorable Ronnie L. White, United States District Judge for the Eastern District of Missouri.