

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

No. 98-1124

Donald H. Brancato,

Appellant,

v.

St. Louis Community College at
Florissant Valley; Richard Booker,

Appellees.

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No. 98-1127

Donald H. Brancato,

Appellee,

v.

St. Louis Community College at
Florissant Valley; Richard Booker,

Appellants.

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Appeals from the United States
District Court for the
Eastern District of Missouri.
[UNPUBLISHED]

Submitted: September 2, 1998

Filed: September 8, 1998

Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

PER CURIAM.

Donald H. Brancato appeals the district court's¹ adverse grant of summary judgment based on res judicata in his 42 U.S.C. § 1983 action stemming from his arrest. Defendants filed a cross-appeal based on the district court's failure to award them attorney's fees.

We conclude that Brancato's action is res judicata-barred because the claims and allegations in his current suit arise from the same events as those raised in his 1996 state court suit, involve the same parties, and were or could have been raised in that action. See Brown v. St. Louis Police Dep't, 691 F.2d 393, 396 (8th Cir. 1982), cert. denied, 461 U.S. 908 (1983). We also conclude that the district court did not abuse its discretion in denying defendants attorney's fees. See Garionis v. Newton, 827 F.2d 306, 310 (8th Cir. 1987) (standard of review). Finally, we deny defendants' motion for Fed. R. App. P. 38 sanctions on appeal.

The judgment is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Carol E. Jackson, United States District Judge for the Eastern District of Missouri.