

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 99-20774  
Summary Calendar

---

BOOKER T. HOBBS, JR.,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA, Department of the Treasury, IRS,

Defendant-Appellee.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-98-CV-1874  
-----

September 28, 2000

Before HIGGINBOTHAM, DUHÉ, and WIENER, Circuit Judges.

PER CURIAM:<sup>1</sup>

Booker T. Hobbs, Jr., appeals the district court's grant of summary judgment in favor of the United States, Department of the Treasury, and the Internal Revenue Service. Hobbs contends that the district court erred in determining that the doctrines of res judicata and collateral estoppel applied to his case. Hobbs also argues that the district court erred in denying his motions for leave to file a first, a second, and a third amended complaints and his motion to transfer his case.

---

<sup>1</sup>Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Hobbs' arguments raised in the instant case are the same nondiscrimination claims previously litigated and decided on the merits by the Merit Service Protection Board (MSPB). The Court of Appeals for the Federal Circuit has exclusive jurisdiction of an appeal from a final order or final decision of the MSPB when all discrimination claims have been eliminated. 28 U.S.C.

§ 1295(a); Blake v. Dep't of the Air Force, 794, F.2d 170, 172-73 (5th Cir. 1986). Accordingly, we affirm the district court's dismissal of Hobbs suit on the alternate ground of lack of subject-matter jurisdiction. See Esteves v. Brock, 106 F.3d 674, 676 (5th Cir. 1997).

AFFIRMED.