

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 04 2014

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

LATANYA CRAMER,

Plaintiff - Appellant,

v.

S. DICKINSON, Officer; PATRICIA A.  
JOHNSON, Nurse Practitioner,

Defendants - Appellees.

No. 13-15865

D.C. No. 1:08-cv-00375-AWI-  
GSA

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Anthony W. Ishii, District Judge, Presiding

Submitted November 18, 2014\*\*

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

California state prisoner Latanya Cramer appeals pro se from the district court's judgment dismissing her 42 U.S.C. § 1983 action alleging that defendants violated her Fourth and Eighth Amendment rights when they subjected her to an

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

allegedly illegal digital cavity search. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal on the basis of the doctrine of res judicata. *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002). We affirm.

The district court properly dismissed Cramer's action as barred by res judicata because Cramer raised identical claims against these defendants in a prior federal action that was adjudicated on the merits. *See Cramer v. Dickinson et al.*, No. 1:08-cv-00723-CRB (PR); Fed. R. Civ. P. 41(b) (dismissal for failure to prosecute or comply with a court order "operates as an adjudication on the merits"); *see also Stewart*, 297 F.3d at 956 (describing elements of res judicata).

We do not consider Cramer's requests to produce paperwork relating to the December 19, 2005 incident because they were raised for the first time in her Reply Brief. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

The Clerk is directed to file the Reply Brief lodged on October 21, 2013.

**AFFIRMED.**