

United States Court of Appeals  
For the Eighth Circuit

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No. 11-2296

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Derrick D. Howard

*Plaintiff - Appellant*

v.

Bank of America, N.A. as successor by merger to Lasalle Bank National  
Association, as Trustee for Certificate Holders of Bear Stearns Asset Backed  
Securities 1 LLC, Asset Backed Certificates, Series 2005-HE3 c/o EMC Mortgage  
Corporation

*Defendant - Appellee*

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

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Submitted: December 11, 2012  
Filed: December 14, 2012  
[Unpublished]

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Before MURPHY, ARNOLD, and SMITH, Circuit Judges.

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PER CURIAM.

Derrick Howard appeals the district court's<sup>1</sup> dismissal of his civil complaint. Having carefully reviewed the record, we agree with the district court that Howard's complaint was barred by res judicata, based on a judgment rendered in Missouri court in a prior legal proceeding between the same parties, and involving the same matter that was the subject of the instant complaint. See C.H. Robinson Worldwide, Inc. v. Lobrano, 695 F.3d 758, 764 (8th Cir. 2012) (law of forum that rendered first judgment controls res judicata analysis); Niere v. St. Louis Cnty., Mo., 305 F.3d 834, 837 (8th Cir. 2002) (per curiam) (elements of res judicata under Missouri law); Vogt v. Emmons, 158 S.W.3d 243, 247 (Mo. Ct. App. 2005) (res judicata renders judgment conclusive between same parties as to all issues that might have been litigated).

Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Catherine D. Perry, Chief Judge, United States District Court for the Eastern District of Missouri.