

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 13-1170

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Wilma M. Pennington-Thurman

*Plaintiff - Appellant*

v.

AT & T, Inc.; Southwestern Bell Telephone Co.; Advanced Solutions, Inc.

*Defendants - Appellees*

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

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Submitted: May 6, 2013

Filed: July 3, 2013

[Unpublished]

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Before MURPHY, SMITH, and COLLOTON, Circuit Judges.

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PER CURIAM.

Wilma Pennington-Thurman appeals the district court's<sup>1</sup> preservice dismissal of her civil complaint. After careful review, we conclude that the dismissal was

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<sup>1</sup>The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.

proper for the reasons stated by the district court. See Wedow v. City of Kansas City, Mo., 442 F.3d 661, 669 (8th Cir. 2006) (res judicata applies when there is prior judgment rendered by court of competent jurisdiction, that prior judgment was final and on merits, and it involved same cause of action and same parties or privies; res judicata bars claims that were or could have been litigated in earlier proceeding); Black Clawson Co., Inc. v. Kroenert Corp., 245 F.3d 759, 763 (8th Cir. 2001) (dismissal based on settlement agreement has effect of final judgment on merits). We do not address Pennington-Thurman's constitutional challenge to the Older Workers Benefit Protection Act because it was not raised in her brief. See Chay-Velasquez v. Ashcroft, 367 F.3d 751, 756 (8th Cir. 2004). Accordingly, we affirm. See 8th Cir. R. 47B.

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