

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 94-1783

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SEBASTIAN C. SISTI,

Plaintiff - Appellant,

versus

MERRILL LYNCH, PIERCE, FENNER AND SMITH,  
INCORPORATED; JOSEPH BELFIORE; GEORGE T.  
BASKERVILLE, III; ARTHUR SOBEL; MICHAEL S.  
DZIKOWSKI; WILLIAM A. SCHREYER; DANIEL P.  
TULLY,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Richmond. Robert R. Merhige, Jr., Senior  
District Judge. (CA-94-158)

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Submitted: February 7, 1996

Decided: February 14, 1996

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Before MURNAGHAN and WILLIAMS, Circuit Judges, and PHILLIPS, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Frank George Uvanni, CHALKLEY & WITMEYER, Ashland, Virginia, for  
Appellant. James E. Farnham, Edward Joseph Fuhr, HUNTON &  
WILLIAMS, Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Sebastian C. Sisti appeals from the district court's order granting the Defendants' motion to dismiss Sisti's civil complaint on res judicata grounds. Finding no error, we affirm.

The parties in the current action are identical to those in Sisti's earlier federal suit; the individual Defendants in this action are employees or officers of the corporate DefendantCa Defendant in both the earlier federal suit and this action. See Nash County Bd. of Educ. v. Biltmore Co., 640 F.2d 484, 493-94 (4th Cir.), cert. denied, 454 U.S. 878 (1981). There is identity of the causes of action between this suit and the former one. Sisti's attempt to raise the same claims under a different legal theory does not circumvent the res judicata bar. See Harnett v. Billman, 800 F.2d 1308, 1314 (4th Cir. 1986), cert. denied, 480 U.S. 932 (1987). And the judgment in the prior action was a judgment on the merits. Therefore, the district court properly found the current action barred by the principles of res judicata. See Keith v. Aldridge, 900 F.2d 736, 739-40 (4th Cir.), cert. denied, 498 U.S. 900 (1990).

Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED