

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 05-11065  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT NOVEMBER 14, 2005 THOMAS K. KAHN CLERK
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D. C. Docket No. 03-21764-CV-JEM

EUGENE CAVICCHI,

Plaintiff-Appellant,

versus

HOMELAND SECURITY SECRETARY,  
Michael Chertoff, and the United States Department  
of Homeland Security by and through the  
Bureau of Customs and Border Protection,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Florida

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**(November 14, 2005)**

Before TJOFLAT, ANDERSON and DUBINA, Circuit Judges.

PER CURIAM:

Plaintiff-Appellant Eugene Cavicchi appeals from the January 12,

2005 order in the United States District Court for the Southern District of Florida granting summary judgment to Defendants-Appellees on Appellant's claims of discrimination on the basis of age, violation of the FMLA, retaliation in violation of Title VII, and violation of the Privacy Act. The instant case is closely related to a previous suit brought by Cavicchi against the same defendants. The district court granted summary judgment in the previous case, and this Court affirmed in an extensive unpublished opinion, No. 04-10451-FF (11<sup>th</sup> Cir. Oct. 15, 2004). We conclude that many, and possibly all, of the claims brought in the instant suit are barred by res judicata.

With respect to the few claims that may not be barred by res judicata, the district court in the instant case addressed the merits thereof and granted summary judgment in favor of defendants.<sup>1</sup> In that regard and for substantially the same reasons set out by the district court, we agree that summary judgment was due to be granted in favor of defendants.

Accordingly, the judgment of the district court is

**AFFIRMED.**<sup>2</sup>

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<sup>1</sup> The parties consented in accordance with 28 U.S.C. §636(c), and thus the order entered by the magistrate judge (Docket 134) constitutes the judgment of the district court in this case.

<sup>2</sup> Appellant's motion to incorporate the briefs from the prior appeal is denied as moot, the same already being available to the panel.