

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14360

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT September 17, 2008 THOMAS K. KAHN CLERK</p>

D. C. Docket No. 05-00068 CV-T-23-EAJ

JOSEPH M. WILLIAMS, Esquire, as
Administrator Ad Litem of the Estate of Paul Mosley, Jr.,

Plaintiff,

versus

FLORIDA HEALTH SCIENCES CENTER, INC.,
d.b.a. Tampa General Hospital,

Defendant-Appellee,

NATHANIEL W. TINDALL, II,

Movant-Appellant.

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

(September 17, 2008)

Before ANDERSON, BARKETT and HILL, Circuit Judges.

PER CURIAM:

After careful consideration, we conclude that the judgment of the district court is due to be affirmed for the reasons stated in the district court's August 14, 2007, order, Doc. 140. We agree with the district court that Tindall waived review of the merits of the sanctions order by failing to timely object to the magistrate's order. In this regard, we note that plaintiff has conceded that the magistrate's order was a nondispositive order governed by Fed.R.Civ.P. 72(a). Even if the merits are reviewed, we agree with the district court that Tindall's challenges to the sanctions order are without merit. We agree with the district court that the 2005 federal suit was clearly barred by res judicata on account of the judgment in the 2005 state suit. We agree with the district court that there are no non-frivolous arguments against this res judicata holding. The sole recourse from the judgment in the 2005 state court suit would have been an appeal thereof.

Accordingly, the judgment of the district court is

AFFIRMED.