

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD LEE MAINS,

Plaintiff,

v.

OPINION AND ORDER

22-cv-424-wmc

DR. KILOLO KIJAKAZI,
SENATOR TAMMY BALDWIN, and
SOCIAL SECURITY WORKERS IN
SUPERIOR OFFICE,

Defendants.

Plaintiff Donald Lee Mains alleges that the Social Security Administration has discriminated against him based on his disability by shortchanging his benefits. Specifically, he contends that the Administration miscalculated his monthly benefit amount by basing that amount in part on his net earnings from 2001 to 2008 rather than on his gross earnings from that period and refuses to correct the error. Mains is proceeding *pro se* and has paid the filing fee (dkt. ##1, 3), but federal courts “have the power to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless of fee status.” *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999). For the following reasons, Mains’ complaint will be dismissed.

This is the third time Mains has filed suit in this court raising these claims and arguments concerning his Social Security benefits calculation. His first, *Mains v. Saul*, 18-cv-881-bbc, was dismissed in an order entered on February 18, 2020, because Mains did not show that the court had jurisdiction over his claim. To establish the court’s jurisdiction, or its authority to hear a claim, Mains would have had to show that he was

challenging a “final decision of the Commissioner of Social Security made after a hearing to which [the plaintiff] was a party,” 42 U.S.C. § 405(g), but Mains did not identify any such final decision or any reviewable administrative action. The court also noted that Mains could have sought reconsideration of the January 2015 benefits award within sixty days and expressed skepticism that Mains would be able to successfully challenge his benefits amount in any event. That dismissal was affirmed by the Court of Appeals for the Seventh Circuit. *Mains v. Saul*, 821 F. App’x 636, 637 (7th Cir. 2020), reh’g denied (Oct. 23, 2020). When Mains raised the same claims and arguments in his second civil action, *Mains v. Saul*, 21-cv-240-bbc, the court dismissed the case in an April 21, 2021, order, explaining that the doctrines of issue and claim preclusion bar litigants from raising claims or legal issues that have been, or could have been, litigated in a previous case. *See Allen v. McCurry*, 449 U.S. 90, 94 (1980) (explaining the doctrines). Applying these doctrines helps spare parties the costs of multiple lawsuits, conserve judicial resources, and prevent inconsistent decisions. *Id.*

Issue and claim preclusion again apply to bar Mains’ renewed claims and arguments regarding his benefits calculation in this third case.¹ Although Mains obviously disagrees with the outcome of his prior cases, his claims and arguments have already been reviewed

¹ The only arguable difference here is that Mains also names Senator Tammy Baldwin as a defendant, alleging that the senator did not “represent [Mains] like she said she would.” (Dkt. #1-1.) But the letter Mains attaches in support indicates that Senator Baldwin simply offered to help Mains track any claim or appeal he might file with the Social Security Administration after reaching out to the agency on Mains’ behalf and learning that Mains had not “filed any recent applications with SSA.” (Dkt. #1-2 at 7.) That Mains apparently believes the Senator should have done more to further his cause with the agency is not a basis for suing her in federal court for discrimination or any other reason.

and resolved, or could have been, and in any event, Mains again fails to explain how he is challenging a final agency decision “made after a hearing.” 42 U.S.C. § 405(g). The court will therefore dismiss his complaint. And, as it warned Mains in case no. 21-cv-240, the court will take no action on any future motions that Mains files in this case in which he seeks reconsideration, relief from judgment or to reopen this case to raise claims that were already resolved.

ORDER

IT IS ORDERED that:

- 1) Plaintiff Donald Lee Mains’ complaint is DISMISSED.
- 2) The court will take no action on any future motions that Mains files in this case in which he seeks reconsideration, relief from judgment or to reopen this case to raise claims that were previously resolved.
- 3) The clerk of court is directed to enter judgment accordingly and to close this case.

Entered this 10th day of August, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge