

07/09/2009 58 MEMORANDUM of USCA as to 46 Notice of Appeal filed by Mritunjoy Sengupta. Mritunjoy Sengupta, a former professor with the University of Alaska whose application for re-employment was rejected, appeals pro se from the district courts summary judgment for the University on his claims. He also appeals from the district courts post-judgment award of attorneys fees and entry of a pre-filing review order. We review summary judgment de novo. We review attorneys fee awards and pre-filing orders for an abuse of discretion. The district court properly determined that Sengupta's challenge to his 1995 firing by the University, already resolved by Alaska state courts, is precluded by the doctrine of res judicata. The district court properly granted summary judgment on Sengupta's claims of disparate treatment and retaliation because Sengupta failed to raise a triable issue as to whether the University's explanation for rejecting his application was pretext for an unlawful motive. Moreover, Sengupta failed to show that he was similarly situated to other University professors who were treated more favorably. The district court did not abuse its discretion by denying Sengupta's motion to amend his complaint because amendment would have been futile. The district court did not abuse its discretion by awarding attorneys fees to the University because Sengupta's claims, which had already been resolved by state court judgments, are frivolous. We do not review the district courts pre-filing order because Sengupta does not develop any argument regarding that order. Sengupta's remaining contentions lack merit. The District Court's decision is AFFIRMED. (SAL2, COURT STAFF) (Entered: 07/09/2009)

[AEL: This is Docket 58 entry in the District Court File on-line]