

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|-----------------------------|---|---------------|
| ANTONIO M. FORREST |] | |
| Plaintiff, |] | |
| |] | |
| v. |] | No. 3:10-0665 |
| |] | Judge Trauger |
| FRANKLIN POLICE DEPARTMENT, |] | |
| et al. |] | |
| Defendants. |] | |

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Montgomery County Jail in Clarksville, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against the Franklin Police Department; Jackie Moore, Chief of the Franklin Police Department; and two of the Department's detectives; seeking damages.

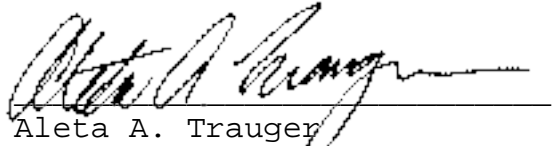
According to the complaint, the plaintiff avers "that one or more of the defendants neglected their duty owed to the plaintiff to protect the plaintiff from threatening and harassing phone calls made by Rikki Marie White; and one or more of the defendants neglected their duty owed to the plaintiff to protect him from Rikki White stalking the plaintiff."¹

The events complained of occurred prior to February, 2009. The complaint arrived in the Clerk's Office on July 9, 2010. Thus, it

¹ At the end of a twenty page narrative, the plaintiff states that "I ended up killing Rikki White ...".

appears that this action is time-barred by the one year statute of limitations imposed upon civil rights claims brought in Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir.1997). Nothing in the complaint suggests that the statute should be tolled so as to permit the untimely filing of the complaint. The Court, therefore, concludes that the plaintiff has failed to state a claim upon which relief can be granted because this action is untimely. Dellis v. Corrections Corp. of America, 257 F.3d 508, 511 (6th Cir.2001)(*sua sponte* dismissal of an untimely prisoner complaint is appropriate). Under such circumstances, the Court is obliged to dismiss the complaint. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.


Aleta A. Trauger
United States District Judge