

United States Court of Appeals  
For the Eighth Circuit

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No. 13-2893

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Randy L. Tieszen

*Plaintiff - Appellant*

v.

Judge John Bastian; John Hunter; Don Friedel; Tanya Gunhammer; Ida Mae  
Friedel; Jim Sewart; Curt Nuly; Fred Baxter

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of South Dakota - Rapid City

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Submitted: October 16, 2013  
Filed: October 23, 2013  
[Unpublished]

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Before LOKEN, BENTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Randy Tieszen appeals the district court's<sup>1</sup> dismissal of his complaint for failure to state a claim. After careful de novo review, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam), we conclude that dismissal was proper.

Tieszen claimed that state criminal proceedings against him in 2001 were the result of a conspiracy to remove him from his property by means of false arrest and false imprisonment. He conceded that he had known the underlying facts since 2001. He did not commence this action until 2011, however, and he offered nothing to support tolling of the limitation period for bringing suit. Thus, Tieszen's claims--whether brought under 42 U.S.C. § 1983 or state tort law--are time-barred. See S.D. Codified Laws § 15-2-15.2 (action brought under federal civil-rights statute must commence within 3 years after alleged constitutional deprivation occurred), § 15-2-14 (3-year limitation period for personal-injury action), § 15-2-15 (2-year limitation period for specified tort actions); Walker v. Barrett, 650 F.3d 1198, 1205 (8th Cir. 2011) (§ 1983 claims accruing in particular state are governed by that state's statute of limitations for personal-injury claims).

Accordingly, the judgment of the district court is affirmed. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Jeffrey L. Viken, Chief Judge, United States District Court for the District of South Dakota.