

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DC ECHOLS, #165 602,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:08-CV-643-TMH
	)	(WO)
H. RANDALL THOMAS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On August 29, 2008, the Magistrate Judge filed a Recommendation (Doc. # 5) to which Plaintiff DC Echols (“Mr. Echols”) filed an Objection. (Doc. # 6). Upon an independent and *de novo* review of the record, it is ORDERED as follows:

1. Mr. Echols’ Objection (Doc. # 6) is OVERRULED.<sup>1</sup>
2. The Recommendation (Doc. # 5) is ADOPTED.
3. Mr. Echols’ claims challenging events which occurred in or around October 1991 are DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i), as Plaintiff failed to file the complaint with regard to these allegations within the time prescribed by the applicable period of limitations.

---

<sup>1</sup> The court carefully has considered Mr. Echols’ objections, but concludes that they lack merit. For instance, Mr. Echols contends that his claim of actual innocence warrants equitable tolling, but this argument must fail. As aptly pointed out by the Seventh Circuit, if a claim of actual innocence “were sufficient, the statute of limitations could virtually never run for § 1983 claims by prisoners.” *Savory v. Lyons*, 469 F.3d 667, 674 (7th Cir. 2006).

4. The complaint is DISMISSED prior to service of process.

DONE this 7<sup>th</sup> day of October, 2008.

/s/ Truman M. Hobbs  
SENIOR UNITED STATES DISTRICT JUDGE