

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

T.P.R., by and through his parent,)	
DONNA PATTERSON-RUDOLPH,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:08cv813-WKW
)	
MONTGOMERY PUBLIC SCHOOLS,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On May 26, 2010, the Magistrate Judge filed a Recommendation in this case. (Doc. # 43.) On June 9, 2010, Plaintiff T.P.R., “by and through his parent Donna Patterson-Randolph,” filed objections on June 9, 2010. (Doc. # 44.) Upon an independent and *de novo* review of those portions of the Recommendation to which objection is made, 28 U.S.C. § 636(b)(1)(C), the objection lacks merit for the reasons set forth in the Magistrate Judge’s Recommendation.¹ Accordingly, it is ORDERED as follows:

1. The objections (Doc. # 44) are OVERRULED.
2. The Recommendation (Doc. # 43) is ADOPTED.

¹ The objections mirror the arguments made by Plaintiff in response to the Magistrate Judge’s show cause Order entered on April 28, 2010 (Doc. # 41). The argument that the statute of limitations would have expired if Ms. Patterson-Randolph had not filed this action on behalf of her minor son is incorrect. (Doc. # 44, at 2.) As previously noted by the Magistrate Judge, “under Alabama law, the statute of limitations is tolled until a minor reaches the age of majority, 19.” (Doc. # 40, at 1.)

3. This action is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

An appropriate judgment will be entered.

DONE this 17th day of June, 2010.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE