

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

WILLIAM E. BOWHALL,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:10-CV-607-WKW [WO]
)	
DEPARTMENT OF DEFENSE, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER ADOPTING RECOMMENDATION

On September 22, 2010, the Magistrate Judge filed a Report and Recommendation in this case. (Doc. # 5.) On October 6, 2010, Plaintiff William E. Bowhall¹ filed a Motion to Proceed - In Pro-Se, which after review, the court construes as an objection. (Doc. # 6.) On November 15, 2010, Mr Bowhall filed a Motion for Extension of Time and Motion to Continue (Doc. # 7), along with “supporting” documents. The court has conducted a *de novo* review of those portions of the Report and Recommendation to which objection is made. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge concluded that Mr. Bowhall’s claims against all Defendants, except the City of Opelika, are barred by sovereign immunity. Mr. Bowhall objects, arguing

¹ Mr. Bowhall has filed eight other civil actions in this court. *See Bowhall v. Johnson & Johnson*, No. 2:10cv601-WKW (July 14, 2010); *Bowhall v. Capitol-EMI Records, Inc.*, No. 2:10cv603-WKW (July 14, 2010); *Bowhall v. Office of James M. Deiman, et al.*, No. 2:10cv604-WKW (July 14, 2010); *Bowhall v. Howell High Sch. Bd. of Educ.*, No. 2:10cv605-WKW (July 14, 2010); *Bowhall v. Viacom, Inc., et al.*, No. 2:10cv606-WKW (July 14, 2010); *Bowhall v. NBC, Inc.*, No. 2:10cv608-WKW (July 14, 2010); *Bowhall v. Obama*, No. 2:10cv609-WKW (July 14, 2010); *Bowhall v. NAACP Beverly Hills*, No. 2:10cv679-WKW (Aug. 10, 2010).

that “[i]t is this Plaintiffs [sic] opinion that sovereign immunity does not exist, nor should it be allowed to exist where the welfare of the UNITED STATES is at risk.” (Doc. # 6, at 3.) Plaintiff can rest assured that sovereign immunity does indeed exist. *See, e.g., United States v. Sherwood*, 312 U.S. 584, 586 (1941) (“The United States, as sovereign, is immune from suit save as it consents to be sued.”). Furthermore, the court is aware of no law abrogating the sovereign immunity of the United States when its welfare is at risk. Nor is the court convinced, were such a law in place, that the United States’ welfare would be at risk, even taking as true all of Mr. Bowhall’s allegations.

With respect to Mr. Bowhall’s claims against the City of Opelika, the Magistrate Judge found them to be time-barred. (Doc. # 5, at 9.) As has become Mr. Bowhall’s habit, he has responded to the Magistrate Judge’s finding without argument, but instead with a vague rhetorical question: “Where does the statue [sic] of limitations begin, or end in a life long struggle for justice?” (Doc. # 6, at 5.) With the little information that Mr. Bowhall does provide as to his claims against the City of Opelika, it is clear that he is complaining of actions from 2001 to 2004. (Doc. # 1, at 8.) Mr. Bowhall’s claims, all of them at least six years old, are stale. (Doc. # 5, at 8.)

Finally, Mr. Bowhall’s “Supplementals” provided in his Motion for Extension of Time and Motion to Continue (Doc. # 7), consisting primarily of off-topic cases and Yahoo! search results, do not address in any way the Magistrate Judge’s conclusions discussed above. To the extent that these are objections, they are due to be overruled. To the extent that this is a

motion to extend the deadline in which to file objections, that motion is due to be denied.

Accordingly, it is ORDERED as follows:

1. Plaintiff's Objections (Docs. # 6, 7) are OVERRULED;
2. Plaintiff's Motion for Extension of Time and Motion to Continue (Doc. # 7) is DENIED;
3. The Magistrate Judge's Report and Recommendation (Doc. # 5) is ADOPTED;
4. Plaintiff's Motion to Proceed *in forma pauperis* (Doc. # 2) is GRANTED;
5. Plaintiff's claims against Defendants are DISMISSED without prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

An appropriate judgment will be entered.

DONE this 18th day of November, 2010.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE