

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

MANUEL RODRIGUEZ  
ADC #128041

PLAINTIFF

V.

NO: 5:09CV00063 BSM

TAMMY COURTNEY

DEFENDANT

**ORDER**

The court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young, and the objections filed. The Magistrate Judge recommended dismissal because plaintiff's claim is barred by the statute of limitations.

Plaintiff has filed objections, alleging that the statute should be tolled because he was unable to complete the grievance process. In light of plaintiff's objections, the court rejects the proposed findings and recommended disposition of the Magistrate Judge and refers the case back to the Magistrate Judge for further proceedings. *See Williams v. Pulaski County Det. Facility*, 278 Fed. Appx. 695 (8th Cir. 2008) (remanding case to determine whether limitations should have been tolled when inmate argued that he had not received final decision on his administrative grievance).

DATED this 13th day of April, 2009.

  
UNITED STATES DISTRICT JUDGE