

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

KENNETH LEE WEINBERG,

Plaintiff,

v.

CASE NO. 4:08-cv-00480-MP -WCS

WAKULLA COUNTY BOARD OF COMMISIONERS, et al.,

Defendants.

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**ORDER**

This matter is before the Court on Doc. 69, the second Report and Recommendation of the Magistrate Judge, recommending that claims involving events prior to October 28, 2004, be dismissed under the statute of limitations and that all claims against defendant Langston be dismissed pursuant to Plaintiff’s admission that he was not the correct defendant. The plaintiff objected only to the statute of limitations recommendation.

The Court agrees that all claims against defendant Langston be dismissed pursuant to the declarations in Plaintiff’s affidavits. Also, the Court agrees that Plaintiff knew at the time of the first spraying on August 10, 2004, that excessive bleach was being used and causing him discomfort and raising his health concerns. There is no reason why Plaintiff could not have brought suit within four years of that date. Therefore, Plaintiff’s claims prior to October 28, 2004, are barred by the statute of limitations and should be dismissed. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. Plaintiff’s amended complaint, Doc. 18, is **DISMISSED** as to Defendant Langston.
2. Plaintiff’s claims arising from incidents occurring prior to October 28, 2004, are

**DISMISSED** as barred by the statute of limitations.

3. This case is **REMANDED** for further proceedings

**DONE AND ORDERED** this 17th day of May, 2011

*s/Maurice M. Paul*

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Maurice M. Paul, Senior District Judge