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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

MARK HANNA,
Plaintiff

CIVIL ACTION NO.08-CV-1230
SECTION "P"

VERSUS

JUDGE DEE D. DRELL

DELMER MAXWELL, et al.,
Defendants

MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that Hanna's action is DENIED AND DISMISSED WITH PREJUDICE.

In so ruling we note an inconsequential error of law on page 5. There, near the page bottom, the Magistrate Judge mentions the doctrine of "contra non valentum" with a footnote explaining the doctrine as a continuing violation theory. The actual doctrine of *contra non valentem agere non currit praescriptio* is not a continuing tort theory, but rather a doctrine sometimes applied to situations where a course of action accrues and a plaintiff does not know of a right to sue, is misled or the like. The footnoting of the words "contra non valentum" in the Report

and Recommendations may lead to confusion on the point. That said, the confusion matters not. The point made in the text is correct. The prescriptive period has long since run in this case and there exists no doctrine to revive it.

THUS ORDERED AND SIGNED in Chambers at Alexandria, Louisiana, on this 21st day of October, 2011.

A handwritten signature in black ink, appearing to read "Dee D. Drell", written over a horizontal line.

DEE D. DRELL
UNITED STATES DISTRICT JUDGE