

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

HUEY P. GARDNER

CIVIL ACTION NO. 13-cv-0582

VERSUS

JUDGE HICKS

LOUISIANA STATE UNIVERSITY
SHREVEPORT, ET AL

MAGISTRATE JUDGE HORNSBY

J U D G M E N T

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written objections filed,¹ and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that Plaintiff's complaint is **dismissed with prejudice** on the grounds that his claims are untimely.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 24th day May, 2013.


S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE

¹Contrary to the objections of Plaintiff, Courts considering Section 1983 claims should borrow the state's residual or general personal injury limitations period. See Elzy v. Roberson, 868 F.2d 793, 794 (5th Cir. 1989). See also, Owens v. Okure, 488 U.S. 235, 250, 109 S. Ct. 573, 582 (1989) (holding that actions brought pursuant to Section 1983 are subject to the state's general prescriptive period for personal injury actions as opposed to any prescriptive period specific to intentional torts). In this case under Louisiana Civil Code article 3492, that period is one year. See Record Document 9, "Report and Recommendation."