

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13-12033-GAO

ALEX DUNA,  
Plaintiff,

v.

IMMIGRATION AND CUSTOMS ENFORCEMENT, PLYMOUTH COUNTY SHERIFFS'  
DEPARTMENT, and JOHN DOES 1-10  
Defendants.

OPINION AND ORDER  
September 29, 2014

O'TOOLE, D.J.

After review of the parties' submissions, the defendants' respective motions to dismiss the complaint (dkt. nos. 5 and 16) are GRANTED. It is apparent from the complaint that the claims relate to wrongs allegedly committed more than three years before the action was commenced, and the claims are therefore barred by the applicable statute of limitations. The summary allegations of brain injury do not adequately, that is, with plausible specificity, see Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555(2007), plead a factual basis for equitable tolling.

The plaintiff's motion for leave to file a second amended complaint (dkt. no. 29) is DENIED as futile. The proposed amended complaint is just as deficient as the existing version with respect to the equitable tolling claim.

The complaint is DISMISSED.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.  
United States District Judge