

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

BARRY FRANKLIN BRAY

PLAINTIFF

v.

CIVIL ACTION NO. 5:15-cv-91-DCB-MTP

MANAGEMENT TRAINING CORPORATION and
CORRECTIONS CORPORATION OF AMERICA

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation (docket entry 44), to which no objections were filed. Having carefully reviewed the same, the Court finds that Plaintiff's § 1983 claim against Corrections Corporation of America ("CCA") is time barred because this action was filed more than three years after Plaintiff's claim accrued in 2006. See Edmonds v. Oktibbeha Cnty., Miss., 675 F.3d 911, 916 (5th Cir. 2012) (the three-year statute of limitations under Miss. Code § 15-1-49 applies to § 1983 claims). Moreover, Plaintiff's constitutional claim is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) because it is barred by the Parratt/Hudson doctrine. See Alexander v. Ieyoub, 62 F.3d 709, 712 (5th Cir. 1995) ("a state actor's random and unauthorized deprivation of a plaintiff's property does not result in a violation of procedural due process rights if the state provides adequate post-deprivation remedy"); see also Hudson v. Palmer, 468 U.S. 517, 533 (1984); Parratt v. Taylor, 451 U.S. 527 (1981). Therefore, the Court adopts the

Report and Recommendation, and shall grant defendant CCA's Motion to Dismiss and dismiss Plaintiff's remaining claim with prejudice.¹

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendation (docket entry 44) is ADOPTED as the findings and conclusions of this Court;

IT IS FURTHER ORDERED that defendant CCA's Motion to Dismiss (docket entry 28) is GRANTED.

A Final Judgment dismissing the case with prejudice will follow in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED this the 8th day of February, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE

¹ The Court dismissed defendant Management Training Corporation ("MTC") from this action on November 14, 2016. See Order [42].