

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NAJA CUMMINGS,	:	
	:	Civil Action No. 09-0747 (SDW)
Plaintiff,	:	
	:	
v.	:	MEMORANDUM ORDER
	:	(CLOSED)
ASSISTANT PROSECUTOR HENN,	:	
et al.,	:	
	:	
Defendants.	:	

IT APPEARS THAT:

1. On February 19, 2009, Plaintiff submitted a complaint pursuant to 42 U.S.C. § 1983. For the reasons set forth in this Court's Opinion, dated March 17, 2009, Plaintiff's complaint was dismissed as time-barred. This Court granted Plaintiff 45 days to move to reopen the case in order to address the issue of tolling of his claims. (Docket entry 2, 3).

2. On March 26, 2009, Plaintiff filed an application to reopen the case. After reviewing Plaintiff's application, it is apparent that the claims asserted in his complaint remain time-barred. Plaintiff states that he did not learn until September 28, 2007, through his own research, that his constitutional rights were violated. Plaintiff has not alleged facts indicating any basis for tolling, and thus,

his complaint will remain dismissed and his application will be denied.

THEREFORE,

It is on this 22nd day of July, 2009,

ORDERED that Plaintiff's application to reopen the case (docket entry 4), is hereby denied; and it is further

ORDERED that Plaintiff's complaint remains dismissed as time-barred and the case remains closed.

S/Susan D. Wigenton
SUSAN D. WIGENTON
United States District Judge