

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

SEP 12 2012

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY cah DEPUTY

STEPHEN JOSEPH BOLLENBACH,)
)
Plaintiff,)
)
vs.)
)
STATE OF OKLAHOMA et al.,)
)
Defendants.)

No. CIV-11-857-W

ORDER

On August 13, 2012, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the Motion to Dismiss filed by defendant David Catron, in his individual and official capacities, be granted. Although plaintiff Stephen Joseph Bollenbach, who is proceeding pro se, was advised of his right to object, see Doc. 57 at 5, no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of Catron's Motion to Dismiss and with Magistrate Judge Erwin's findings that Bollenbach's claims against Catron that seek relief under title 42, section 1983 of the United States Code based upon Catron's actions in "obtain[ing] a warrant with perjured testimony . . .," Doc. 1 at 1, are time-barred and, thus, subject to dismissal.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 57] filed on August 13, 2012;
- (2) GRANTS Catron's Motion to Dismiss [Doc. 35] filed on December 2, 2011;
- (3) DISMISSES with prejudice Bollenbach's section 1983 claims asserted against, and seeking relief from, Catron; and

(4) because the Report and Recommendation did not dispose of all issues raised by Bollenbach in his complaint, RE-REFERS this matter to Magistrate Judge Erwin for further proceedings.

ENTERED this 12th day of September, 2012.


LEE R. WEST
UNITED STATES DISTRICT JUDGE