

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

|                          |   |                      |
|--------------------------|---|----------------------|
| TONY J. STACEY           | ] |                      |
| Plaintiff,               | ] |                      |
|                          | ] |                      |
| v.                       | ] | No. <b>3 09 0848</b> |
|                          | ] | (No. 3:09-mc-0165)   |
|                          | ] | Judge Echols         |
| MICHAEL CHANDLER, et al. | ] |                      |
| Defendants.              | ] |                      |

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is a resident of Watertown, Tennessee. He brings this action against Michael Chandler, a former member of the Watertown Police Department; Stacey Swindell, a Judicial Commissioner in Wilson County; the Watertown Police Department and the Wilson County Government; seeking injunctive relief and damages.


On July 14, 2007, Officer Chandler arrested the plaintiff and charged him with public drunkenness and disorderly conduct. He spent four hours in jail. The plaintiff now claims that he was falsely arrested and taken into custody.

The plaintiff's complaint was received in the Clerk's Office on July, 14, 2009. His claims arose when he was released from custody in July, 2007. Thus, it appears that this action is time-barred by the one year statute of limitations imposed upon personal tort and civil rights claims brought in Tennessee. Tenn. Code Ann.

§ 28-3-104; Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir. 1997). Nothing in the complaint suggests that the statute should be tolled so as to permit the untimely filing of the complaint. The Court, therefore, concludes that this action is untimely and is not subject to adjudication. Pino v. Ryan, 49 F.3d 51, 53-54 (2d Cir. 1995); see also Watson v. Wigginton, 16 F.3d 1223, 1994 U.S. App. LEXIS 1329, No. 93-6023 (unpublished; 6th Cir. January 24, 1994).

Because this action appears to be time-barred, the plaintiff has failed to state a claim upon which relief can be granted. Under such circumstances, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate Order will be entered.

  
Robert L. Echols  
United States District Judge