

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CHARLES H. McELYEA, JR.]	
Plaintiff,]	
]	
v.]	No. 3:12-0881
]	Judge Campbell
DICKSON COUNTY, et al.]	
Defendants.]	

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is a resident of McEwen, Tennessee. He brings this action pursuant to 42 U.S.C. § 1985 against Dickson County; Larry Wallace, a Chancery Court Judge in Dickson County; Nancy Miller, Clerk and Master of the Dickson County Chancery Court, and Eric Thornton, Kyle Sanders, and Hilary Duke, members of the Dickson County Bar; seeking injunctive relief and damages.

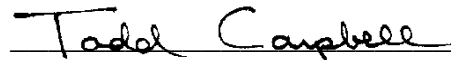
The plaintiff alleges that he was denied due process and the equal protection of the law by the defendants during a judicial proceeding in the Chancery Court of Dickson County on May 7, 2010.

The complaint was filed on August 28, 2012. The plaintiff's claims arose on May 7, 2010. Thus, it appears that this action is time-barred by the one year statute of limitations imposed upon § 1985 claims brought in Tennessee. Windsor v. A Federal Executive Agency, 614 F.Supp. 1255, 1262 (M.D. Tenn.1983), *aff'd* 767 F.2d 923

(6th Cir. 1985).

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 the plaintiff has failed to state a timely claim upon which relief can be granted. Dellis v. Corrections Corp. of America, 257 F.3d 508, 511 (6th Cir.2001)(*sua sponte* dismissal of an untimely complaint is appropriate). Under such circumstances, the Court is obliged to dismiss the complaint. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



Todd Campbell
United States District Judge