

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RONALD JAMES YORK, JR.,)	
)	
Plaintiff,)	Case No. 3:23-cv-00230
)	
v.)	JUDGE CAMPBELL
)	MAGISTRATE JUDGE HOLMES
OFFICER CASEY FIDDLER,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff Ronald James York, Jr. initiated this action on March 15, 2023. (Doc. No. 1). Following initial review pursuant to the Prison Litigation Reform Act (“PLRA”), the Court found that Plaintiff stated a non-frivolous Fourth Amendment false arrest claim against Officer Casey Fiddler in his individual capacity and dismissed the remaining claims. (Doc. No. 4). This case was referred to the Magistrate Judge for case management, to dispose or recommend disposition of any pre-trial, non-dispositive motions, to issue a Report and Recommendation on all dispositive motions, and to conduct further proceedings, if necessary, under Rule 72(b), Fed. R. Civ. P., and the Local Rules of Court. (Doc. No. 5).

On August 17, 2023, Officer Fiddler filed a motion to dismiss arguing that Plaintiff’s claim for false arrest is barred by the statute of limitations. (Doc. No. 20, 21). The Magistrate Judge ordered Plaintiff to file a response by September 22, 2023. (Doc. No. 22). On September 8, 2023, the Magistrate Judge granted Plaintiff’s request for an extension of time to respond to the motion to dismiss and ordered him to file a response by October 13, 2023. (Doc. No. 27). Plaintiff did not file a response and on October 19, 2023, the Magistrate Judge issued a Report and Recommendation recommending the motion to dismiss be granted and that this case be dismissed.

(Doc. No. 28). The Magistrate Judge found that Officer Fiddler raised a valid statute of limitations defense. (*Id.* at 4-6). She also noted that Plaintiff did not file a response in opposition to the motion. (*Id.*). Shortly after the Magistrate Judge issued the Report and Recommendation, Defendant filed a Notice of Suggestion of Death and copy of Plaintiff's obituary indicating that Plaintiff died on September 20, 2023, which was before the deadline to respond to the motion. (Doc. No. 29-1).

Although Plaintiff did not respond to the motion to dismiss before his death, as discussed by the Magistrate Judge in the Report and Recommendation, it is clear from the record that the sole remaining claim must be dismissed as untimely. (*See* Doc. No. 28 at 4-6; *see also*, Doc. No. 9 (records from Rutherford County Court showing Plaintiff's indictment on February, 8, 2022, and arraignment on February 28, 2022)). The Court finds the Magistrate Judge's recommendation regarding the timeliness of Plaintiff's false arrest claim to be well-reasoned.

Accordingly, this portion of the Report and Recommendation is **ADOPTED** and **APPROVED**. For the reasons stated in the Report and Recommendation, Defendant's Motion to Dismiss (Doc. No. 20) is **GRANTED** and this case is **DISMISSED**.

This Order shall constitute final judgment for purposes of Federal Rule 58. The Clerk is directed to close the file.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE