

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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|-----------------------|---|---------------------|
| EARMA PERSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| VS. |) | No. 14-2788-JDT-tmp |
| |) | |
| ASHLEY ROACH, ET AL., |) | |
| |) | |
| Defendants. |) | |

ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING MOTIONS TO DISMISS, AND
DISMISSING CLAIMS AGAINST DEFENDANT LANE *SUA SPONTE*

Plaintiff Earma Person, a resident of Ripley, Tennessee, filed a *pro se* civil complaint on October 10, 2014. (ECF No. 1.) She paid the civil filing fee. The named Defendants are Ashley Roach, a Tennessee State Trooper; Lauderdale County, Tennessee; the City of Ripley, Tennessee; Richard Jennings, the Lauderdale County Circuit Court Clerk; Officer Clay Newman, an investigator with Lauderdale County; Pat Lane, an employee of the Bank of Ripley, and the Bank of Ripley. All of the Defendants except for Lane subsequently filed motions to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF Nos. 13, 15, 18 & 19.) Attorney Gerald S. Green filed an appearance on Plaintiff's behalf on December 29, 2014 (ECF No. 28), and a response to the motions to dismiss was filed on January 5, 2015 (ECF No. 31).¹

¹ On December 29, 2014, Plaintiff filed a motion for an extension of time to respond to the motions to dismiss. (ECF No. 29.) However, the response was filed before the Magistrate Judge ruled on the requested extension. Therefore, the motion for an extension of time is MOOT.

On May 11, 2015, U.S. Magistrate Judge Tu M. Pham issued a Report and Recommendation (“R&R”) in which he recommended granting the Defendants’ motions to dismiss and dismissing the claims against Defendant Lane *sua sponte*.² (ECF No. 34.) Objections to that Report and Recommendation were due within 14 days. *See* Fed. R. Civ. P. 72(b)(2). However, Plaintiff has filed no objections.

Magistrate Judge Pham determined the motions to dismiss should be granted, primarily because the complaint is barred by the one-year limitations period for civil rights claims. *See* Tenn. Code Ann. § 28-3-104(a)(3). Having reviewed the complaint and the law, the Court agrees with the Magistrate Judge’s conclusions. The entire complaint clearly is time-barred, and Plaintiff has offered no reasons why the statute of limitations should be tolled. Therefore, the R&R is ADOPTED. All of the pending motions to dismiss are GRANTED, and the claims against Defendant Lane are also DISMISSED *sua sponte*.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

² Magistrate Judge Pham noted the record contains no proof that Defendant Lane has been served with process. (ECF No. 34 at 1-2 n.1.)