

ERIC ARNOLD BLOUNT	§	
VS.	§	CIVIL ACTION NO. 1:13cv191
CITY OF BEAUMONT, ET AL.	§	

After careful consideration, the court concludes plaintiff's objections are without merit. For the reasons set forth in the Report, plaintiff's claims are barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994).

Alternatively, plaintiff's claims are barred by the applicable two year statute of limitations. On page three of his complaint in this action, plaintiff stated he had previously filed another lawsuit dealing with the same facts involved in this action. As detailed in his previous complaint filed against Officer Baker, the incidents concerning plaintiff's search by police and subsequent arrest occurred on July 9, 2010. *See Blount v. Baker*, 1:12cv239 (E.D. Tex. Feb. 13, 2013). Thus, this action, filed on April 2, 2013, is barred by the two year statute of limitations. *See Price v. City of San Antonio*, 431 F.3d 890, 892 (5th Cir. 2005) (noting that the limitations period for a § 1983 claim is the same as for personal injury actions in the forum state, which in Texas is two years).

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **13** day of **January, 2014**.



Ron Clark, United States District Judge