

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JUAN ROJAS, #1108373

§

VS.

§

CIVIL ACTION NO. 6:11cv479

JUDITH M. RODDAM, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Juan Rojas, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983 regarding someone placing arsenic in his coffee in January 2009. The lawsuit was filed on September 12, 2011. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the lawsuit should be dismissed as time-barred by the two year statute of limitations. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. The Plaintiff argued in his objections that the statute of limitations should not have started running until he knew of his injury. He asserted that he was placed in a mental hospital in January 2009 and did not know who or where he was. His claim is not credible.

He attached numerous grievance records to his complaint, including grievances signed by him in January and February of 2009. The grievance records reveal that he was competent, aware of the nature of his claims and capable of pursuing a civil rights lawsuit at that time. The objections lack merit. Consequently, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Plaintiff's civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 24th day of October, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE