


infection. *Id.* Petitioner further claims that a videotape of the arrest was played at his trial which was prejudicial to the jury. *Id.*

No statute of limitations is set forth under 42 U.S.C. § 1983. However, the United States Supreme Court has held that the statute of limitations for a civil rights action is to be determined by reference to the prescriptive period for personal injury actions in the forum state. *Hardin v. Straub*, 490 U.S. 536 (1989); *Owens v. Okure*, 488 U.S. 235 (1989). In Texas, the prescriptive period for such claims is two years. Tex. Civ. Prac. & Rem. Code Ann. § 16.003(a) (West 2009). Petitioner does not state the date of his arrest. However, the arrest took place prior to his criminal conviction, which occurred on March 11, 2009. Petition p. 2. The instant petition was signed on June 30, 2011, over two years after his conviction. Therefore, Petitioner's civil rights claims relating to his arrest are time-barred.¹

For the foregoing reasons, the petition for writ of habeas corpus and Petitioner's civil rights claims are DISMISSED as time-barred.

For statistical purposes, the Clerk of Court shall open and close a prisoner civil rights action.

SO ORDERED this 3rd day of July, 2012.



Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹ "Under federal law, a cause of action accrues when the plaintiff knows or has reason to know of the injury which is the basis of the action." *Slack*, 7 F.3d at 419 (quoting *Gartrell*, 981 F.2d at 257).