

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT CARR, JR.,

Plaintiff,

v.

Case No. 23-cv-0414-bhl

JASON BARANEK, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Robert Carr, Jr., is representing himself in this 42 U.S.C. §1983 case. On April 25, 2023, the Court dismissed Carr's claim as time-barred. Dkt. No. 10. On May 2, 2023, the Court denied his motion for reconsideration. Dkt. No. 13. A couple weeks later, on May 16, 2023, Carr filed a second motion to alter or amend the judgment. Dkt. No. 14. He argues that, because the statute of limitations is an affirmative defense, the Court erred when it dismissed his claim at screening. Dkt. No. 14. But it has long been held that if a plaintiff "pleads facts that show his suit is time-barred or otherwise without merit, he has pleaded himself out of court." *Trogenza v. Great American Communications Co.*, 12 F.3d 717, 718 (7th Cir. 1993).

Based on Carr's allegations, the Court concluded that his claim accrued, at the latest, on August 6, 2016. The relevant statute of limitations in Wisconsin is six years, and six years from that date Carr's claim accrued is August 6, 2022. Carr filed his complaint on March 30, 2023. Because Carr filed his complaint more than six years after his claim accrued, the Court correctly dismissed his claim as time-barred.

IT IS THEREFORE ORDERED that Carr's second motion to alter or amend the judgment (Dkt. No. 14) is **DENIED**.

Dated at Milwaukee, Wisconsin on May 22, 2023.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge