

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 19-30402
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 4, 2020

Lyle W. Cayce
Clerk

JOSHUA JAMICHAEL VANBUREN,

Plaintiff-Appellant

v.

RAYMOND M. SPOON, Police Officer, West Monroe Police Department;
PAUL BLUNSCHI, Police Officer, West Monroe Police Department,

Defendants-Appellees

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 3:19-CV-453

Before SMITH, DENNIS, and DUNCAN, Circuit Judges.

PER CURIAM:*

In April 2019, proceeding in forma pauperis, Joshua Jamichael VanBuren filed a civil rights complaint pursuant to 42 U.S.C. § 1983. The district court determined that VanBuren's claims were untimely, and it dismissed his complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). VanBuren timely appealed.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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VanBuren has filed several motions in this court, most of which are substantially similar, seeking to amend and/or supplement his original appellate brief. We grant the motion to supplement VanBuren's brief and consider the original and supplemental briefs together. We deny VanBuren's motion to expedite his appeal, his motion for the appointment of counsel, and his motion for an injunction pending appeal. Any and all other outstanding motions filed by VanBuren are also denied.

There is no dispute that Louisiana's one-year statute of limitations applies here, *see Jacobsen v. Osborne*, 133 F.3d 315, 319 (5th Cir. 1998), or that federal law governs the dates that VanBuren's claims accrued, *Wallace v. Kato*, 549 U.S. 384, 388 (2007); *Piotrowski v. City of Houston*, 51 F.3d 512, 516 (5th Cir. 1995). The district court determined that the malicious prosecution claim against Spoon accrued on February 11, 2016, when the case initiated by Spoon was dismissed. *See Winfrey v. Rogers*, 901 F.3d 483, 492 (5th Cir. 2018), *cert. denied*, 139 S. Ct. 1549 (2019). It also determined that the claim for false arrest by Blunschli accrued in January 2017, when a judge at a bond hearing found probable cause to hold VanBuren over. Given those accrual dates, VanBuren's claims are facially untimely.

On appeal, VanBuren argues that the one-year limitations period on his claim against Spoon was interrupted upon his alleged and unrelated false arrest by Blunschli. Without accounting for the time that elapsed between the February 2016 dismissal of the case initiated by Spoon and his re-arrest by Blunschli in January 2017, VanBuren asserts that his claims against both Spoon and Blunschli accrued when he was released from custody in the Blunschli case in March 2019 following his conviction for illegal use of a firearm. He does not, however, point to any legal authority that supports his accrual arguments.

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VanBuren has not shown that the district court erred in determining that the claims raised in his § 1983 complaint were time-barred. Accordingly, he has failed to show that the district court abused its discretion in dismissing his complaint as frivolous under § 1915(e)(2)(B)(i). *Black v. Warren*, 134 F.3d 732, 733-34 (5th Cir. 1998); *Gartrell v. Gaylor*, 981 F.2d 254, 256 (5th Cir. 1993).

The judgment of the district court is AFFIRMED.