

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-3371
Conference Calendar

WOODROW F. NALL and
DELORES E. NALL,

Plaintiffs-Appellants,

versus

FREDDIE H. PITRE, SR.,
SHERIFF OF IBERVILLE PARISH,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. CA-88-965-A
- - - - -

March 19, 1993

Before KING, DAVIS, and SMITH, Circuit Judges.

PER CURIAM:*

Woodrow and Delores Nall appeal the district court's ruling in favor of Pitre on their 42 U.S.C. § 1983 claim. Although the defendant pleaded the affirmative defense of limitations, the district court addressed the merits of the § 1983 claim. This Court may "affirm the district court's judgment on any grounds supported by the record. Furthermore, . . . if a case can be decided either on statutory or constitutional law, [this Court] should address the statutory issue first." Sojourner T v.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Edwards, 974 F.2d 27, 30 (5th Cir. 1992) (citation omitted),
cert. denied, 61 U.S.L.W. 3481, 3511 (U.S. Mar. 8, 1993).

The record indicates that the Nalls waited over a year after learning that the defendant had removed their business from the wrecker rotation list before filing their § 1983 lawsuit. "In Wilson v. Garcia, 471 U.S. 261 (1985), [the Supreme Court] held that courts entertaining claims brought under 42 U.S.C. § 1983 should borrow the state statute of limitations for personal injury actions." Owens v. Okure, 488 U.S. 235, 236, 109 S. Ct. 573, 102 L. Ed. 2d 594 (1989). Louisiana Civil Code Article 3492 creates a one-year personal injury prescriptive period. See Elzy v. Roberson, 868 F.2d 793, 794 (5th Cir. 1989). The Nalls' cause of action prescribed.

AFFIRMED.