

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-4292
Conference Calendar

WILLIAM BRYAN SORENS,

Plaintiff-Appellant,

versus

JAMES A. LYNAUGH, Etc.,
ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:90cv57
- - - - -
August 17, 1993

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

William Bryan Sorens challenges the applicability of the two-year statute of limitations period applied by the district court to dismiss his 42 U.S.C. § 1983 complaint. Sorens argues that since his civil rights complaint is grounded in alleged violations of rights guaranteed by the Texas constitution and common law, the "general personal injury" statute of limitations traditionally applied by this Court to prisoners' civil rights actions is inapplicable. Instead, he argues, the four-year

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

limitations period established by Texas's residual limitations period statute should be applied to his cause of action.

Sorens's argument has no foundation, given the clear rule enunciated by the Supreme Court in Owens v. Okure, 488 U.S. 235, 248-49, 109 S.Ct. 573, 102 L.Ed.2d 594 (1989), that in § 1983 actions, federal courts borrow the forum state's general personal injury limitations period. See Burrell v. Newsome, 883 F.2d 416, 418 (5th Cir. 1989). In Texas, this period is two years, id; see also Tex. Civ. Prac. & Rem. Code Ann. § 16.003 (West 1986), and has been consistently applied by this Court to § 1983 actions from Texas. See, e.g., Burrell, 883 F.2d at 418, 422. The district court properly applied Texas's two-year limitations period to Sorens's § 1983 action. The dismissal of Sorens's complaint is therefore AFFIRMED.