

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40128
Summary Calendar

TOMMY ALEXANDER, SR.,

Plaintiff-Appellant,

versus

DALLAS CORMIER, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court for
the Western District of Louisiana
(93-CV-1421)

(June 1, 1994)

Before REAVLEY, HIGGINBOTHAM and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Tommy Alexander was arrested in 1989 in Louisiana by state authorities on drug related charges. Three years later, after Alexander's property had been forfeited, the state charges were dropped. Alexander filed a *pro se* civil rights complaint alleging that false charges were filed against him in order to seize his property. The district court dismissed the complaint

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

with prejudice because it was time-barred by the applicable statute of limitations. We agree.

Federal courts borrow the forum state's personal injury limitations period in § 1983 actions. Henson-El v. Rogers, 923 F.2d 51, 52 (5th Cir.) cert. denied, 111 S. Ct. 2863 (1991). Louisiana's statute of limitations requires that such actions be filed within a period of one year. Davis v. Louisiana State Univ., 876 F.2d 412, 413 (5th Cir. 1989). Alexander's cause accrued at the time he knew or "had reason to know" of the injury. Pete v. Metcalfe, 8 F.3d 214, 217 (5th Cir. 1993). Even if we were to agree with Alexander that the statute of limitations did not begin to run until the charges were dropped (because he did not have a defense against forfeiture until that time), his action is still time-barred. The state charges were dropped by July 17, 1992; Alexander did not file his complaint until over a year later in August, 1993. Alexander argues that he should have been notified that the charges were dropped, but the expunged offense was a matter of public record which Alexander could have discovered through due diligence.

AFFIRMED.