

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

No. 16-2738

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

RICHARD LOUIS HALL,

Plaintiff-Appellant,

v.

CITY OF DETROIT, MICHIGAN,

Defendant-Appellee,

and

JOHN DOE NOS. 1-6, 1-3 City Officers,

Defendant.

FILED

Nov 29, 2017

DEBORAH S. HUNT, Clerk

ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
MICHIGAN

ORDER

Before: SUHRHEINRICH and KETHLEDGE, Circuit Judges; HOOD, District Judge.*

Richard Louis Hall, a Michigan resident, appeals pro se a district court order dismissing his civil rights complaint, filed pursuant to 42 U.S.C. § 1983. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a).

On August 20, 2015, Hall filed a complaint against the city of Detroit and three John Doe police officers. He alleged that on October 29, 2011, he had been the victim of police brutality resulting in a broken nose and ribs. He sought \$2,000,000 in damages.

*The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

The city moved to dismiss the complaint against it for failure to state a claim of municipal liability, and the district court granted the motion. We affirmed but noted that the district court had dismissed the complaint as to the three John Doe police officers also. That portion of the case was remanded. We noted that the claim against the officers appeared, from the face of the complaint, to be barred by the statute of limitations.

On remand, Hall attempted to learn the identities of the John Doe officers through discovery, without success. No officer was ever served. Hall also moved repeatedly for a default judgment. The motions were denied. The district court then dismissed the complaint as barred by the statute of limitations.

It appears from the complaint that the claim against the John Doe police officers is barred, as the complaint was filed more than three years after the alleged incident of police brutality. *See Harrison v. Michigan*, 722 F.3d 768, 772 (6th Cir. 2013). Hall's attempts to discover the identity of the officers could not have remedied this defect. Therefore, the district court properly dismissed the complaint. *See Alston v. Tenn. Dep't of Corr.*, 28 F. App'x 475, 476 (6th Cir. 2002).

Accordingly, we **AFFIRM** the district court's order dismissing the complaint.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD LOUIS HALL,

Plaintiff,

Case No. 15-12971

Honorable John Corbett O'Meara

v.

JOHN DOE POLICE OFFICERS,

Defendants.

ORDER OF DISMISSAL

On December 9, 2015, this court entered an order granting defendants City of Detroit and its police officers' October 14, 2015 motion to dismiss. Plaintiff Hall appealed the decision to the United States Court of Appeals for the Sixth Circuit. On June 17, 2016, the appellate court affirmed this court's order regarding defendant City of Detroit and remanded the portion of the action concerning the unnamed police officers.

In its June 2016 order, the Court of Appeals noted, "naming 'John Doe' defendants cannot be used to circumvent the applicable statute of limitations, *see Cox v. Treadway*, 75 F.3d 230, 240 (6th Cir. 1996), and Hall's complaint concerns events that happened in October 2011." Hall v. City of Detroit, No. 15-2541 (6th Cir. June 17, 2016). The appellate court further pointed out Michigan's applicable three-year

statute of limitations period, as well as the fact that "a district court has the authority to raise a limitations bar sua sponte, *see Alston v. Tenn. Dept' of Corr*, 28 F. App'x 475, 476 (6th Cir. 2002)." *Id.* at 3.

Plaintiff Hall filed this action August 20, 2015, regarding events that allegedly occurred in October 2011. This court finds that Hall's claims against the John Doe defendants are therefore barred by Michigan's statute of limitation. See Harrison v. Michigan, 722 F.3d 768, 772 (6th Cir. 2013). Accordingly, it is hereby **ORDERED** that this action is **DISMISSED** in its entirety.

s/John Corbett O'Meara
United States District Judge

Date: November 22, 2016

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, November 22, 2016, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager