

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHEAULEEN MASON, et al.,

Plaintiff,

Case No. 05-73943

v.

Hon. John Corbett O'Meara

JENNIFER GRANHOLM, et al.,

Defendant.

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

Before the court is a motion for summary judgment submitted by Defendants Patricia Caruso, Nancy Zang, Clarice Stoval, Rodney Madden, and Kirk Tollzein, filed on March 12, 2008. Defendants ask that this court grant them summary judgment because the claims alleged against them by Plaintiff Velvet Farley-Johnson are barred by the statute of limitations.¹ Plaintiffs responded, and Defendants have replied to the response. The court rules as set forth below.

Farley-Johnson alleges that Defendant Willis Chapman sexually assaulted and harassed her at the Western Wayne Correctional Facility from the Summer of 2001 through October 2001. She was paroled on January 2, 2002 and has not had any contact with Chapman since. Since the complaint is a civil rights action, the statute of limitations is three years. See M.C.L. § 60.5805(10); Carroll v. Wilkerson, 782 F.2d 44, 45 (6th Cir. 1986). Plaintiff Farley-Johnson filed the action on October 13, 2005, almost a year after the statute of limitations period. Plaintiff's only response to this argument is to rely on the response brief submitted by Plaintiff Jill Flanders in a Motion for Summary Judgment filed on May 17, 2007 by Defendant Sally Langley. In an

¹Patricia Caruso was Deputy Director of the Michigan Department of Corrections from September 8, 2002 to June 30, 2003, and the Director of the MDOC from September 8, 2002 to June 30, 2003; Nancy Zang is the Special Administrator for Female Programs in the MDOC; Clarice Stovall was the Warden of the Western Wayne Correctional Facility (WCF) from March 1994 through June 2004; she is currently the Warden of the Scott Correctional Facility; Defendants Rodney Madden and Kirk Tollzein worked at the WCF during the time Plaintiff Velvet Farley-Johnson was incarcerated in the WCF.

order filed on August 31, 2007, this court rejected Plaintiff's arguments and granted Summary Judgment. As a result, this court grants the motion for summary judgment.

For these reasons, IT IS HEREBY ORDERED that Defendants' motion for summary judgment is GRANTED,

s/John Corbett O'Meara
United States District Judge

Date: June 20, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 20, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager