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CLARK v. TOWN BOARD OF THE TOWN OF CLARKSTOWN

No. 11-2116-cv.

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JOSEPH CLARK, Plaintiff-Appellant, v. TOWN BOARD OF THE TOWN OF CLARKSTOWN, TOWN OF CLARKSTOWN, WILLIAM COLLINS, as former Chief of Police of the Clarkstown Police Department, KEVIN KILDUFF, as former Chief of Police of the Clarkstown Police Department, Defendants-Appellees.

United States Court of Appeals, Second Circuit.

January 31, 2013.

Attorney(s) appearing for the Case

Maureen McNamara, West Haverstraw, NY., Appearing for Appellant.

Norma G. Meacham (Christopher M. McDonald, on the brief), Whiteman Osterman & Hanna LLP, Albany, NY, Appearing for Appellees.

Present: PIERRE N. LEVAL, ROSEMARY S. POOLER, DEBRA ANN LIVINGSTON, Circuit Judges.

SUMMARY ORDER

ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of said District Court be and it hereby is AFFIRMED.

Plaintiff-Appellant Joseph Clark appeals from the district court's grant of the motion for judgment on the pleadings, entered on January 4, 2011, finding for the Town of Clarkstown Defendants on all claims, and the certification of the case pursuant to Fed. R. Civ. P. 54(b) entering partial final judgment for the Town, entered on April 22, 2011. We assume the parties' familiarity with the underlying facts, procedural history, and specification of issues for review.

The latest date at which Clark alleged action by these Town Defendants was in 1999, with his removal from their payroll following the State's grant of the Town's application for retirement disability. The complaint in this case was filed on September 11, 2009. The district court rightly concluded that all of Clark's allegations against the Town were time-barred by the relevant statutes of limitations.

We need not address Clark's appeal of the Rule 54(b) certification because in the interim the district court entered final judgment dismissing all of Clark's claims.

We find Clark's remaining arguments to be without merit. Accordingly, the judgment of the district court hereby is AFFIRMED.

FootNotes

* The Clerk of the Court is directed to change the caption as set out above.

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