

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 13-10687
Non-Argument Calendar

D.C. Docket No. 2:11-cv-00025-LGW-JEG

LITHONIA HARRIS,

Plaintiff-Appellant,

versus

SHERIFF BILLY DELOCH,
Appling County, et al.,

Defendants,

OFFICER ANTHONY TILLMAN,
a.k.a. Talmadge,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Georgia

(September 17, 2013)

Before DUBINA, WILSON, and HILL, Circuit Judges.

PER CURIAM:

Lithonia J. Harris appeals the dismissal as time barred of his § 1983 action against Officer Anthony Tillman, arguing that his failure to effect timely service of process was due to “inadvertence and delays due to no fault of [his own].” The Magistrate Judge, who prepared a report and recommendation on Officer Tillman’s motion to dismiss, agreed and recommended that the motion be denied.

The district court, however, rejected this recommendation, finding that Harris failed to supply either the correct address or name for defendant Tillman, causing the excessive delay in serving him and further causing the statute of limitations to expire before service had been effected. The court further held that Harris’ subsequent “amendment” of his complaint to provide the defendant’s correct name did not “relate back” to the filing of his complaint because Tillman had no way of knowing he was being sued within the relevant time period. Accordingly, the district court granted Tillman’s motion to dismiss, holding that plaintiff’s complaint was not timely filed.

We have reviewed the record and considered the chain of events that led to the dismissal of Harris’ complaint. On balance, we conclude that the district court’s judgment of dismissal should be affirmed. Accordingly, the judgment is

AFFIRMED.