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## Lektyra Shkollore 8 Lutjet E Mbremjes Kuptimirar

Lektyra Shkollore 8 Lutjet E Mbremjes Kuptimirar LeCrimement du tchat - 04/11/2010 03.32PM 538 F.Supp.2d 276 (2008) Dale TANNER, Plaintiff, v. UNITED STATES of America, Defendant. No. 05-CV-6298L. United States District Court, W.D. New York. May 29, 2008. Dale Tanner, pro se. DECISION AND ORDER DAVID G. LARIMER, District Judge. Plaintiff, Dale Tanner, appearing pro se, commenced this action on January 3, 2005. The complaint was based on the Fourth Amendment to the United States Constitution. Plaintiff alleges that various investigative actions taken by federal law enforcement officers were unlawful. On November 6, 2005, this Court granted defendant's motion to dismiss the complaint pursuant to Fed.R.Civ.P. 12(b)(6). The action was dismissed without prejudice. After several further legal actions, plaintiff filed a motion to reopen the action, which was granted on March 4, 2007. Plaintiff filed an amended complaint on March 10, 2007. Plaintiff filed a motion to amend the amended complaint, to which defendant opposes. By a decision and order entered May 20, 2007, the motion to amend was granted. Thereafter, defendant filed the present motion, seeking dismissal of the amended complaint as untimely filed. Defendant contends that the limitations period for commencement of this action expired on October 8, 2003. The complaint was filed in 2005, alleging that the action was commenced on January 3, 2005. However, as plaintiff admits in his response, the complaint was filed in the Court of Claims on January 11, 2005, and the amended complaint was filed shortly thereafter. \*277 "A complaint filed in an improper court shall be dismissed." See Brown v. Shannon, 22 F.3d 1083, 1088 (6th Cir.1994); see also O'Carroll v. United States, 588 F.2d 534, 535 (10th Cir.1978) (holding that the United States Court of Claims has no jurisdiction to entertain a claim against the United States where the claim is filed in an improper court); Chilcutt v. United States, 4 F.3d 1313, 1322 (5th Cir.1993); Smith v. 6d1f23a050

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