

court may summarily dismiss the complaint filed *in forma pauperis*, if it is “clear” that claims asserted are barred by limitations).

#### IV. TOLLING

Although the instant action appears time-barred, the applicable limitations period may be equitably tolled in appropriate circumstances. See *Rotella v. Pederson*, 144 F.3d 892, 897 (5th Cir. 1998). “Because the Texas statute of limitations is borrowed in § 1983 cases, Texas’ equitable tolling principles also control.” *Id.* “[W]hen state statutes of limitation are borrowed, state tolling principles are to be the ‘primary guide’ of the federal court. The federal court may disregard the state tolling rule only if it is inconsistent with federal policy.” See *FDIC v. Dawson*, 4 F.3d 1303, 1309 (5th Cir. 1993) (citations omitted).

If not tolled, limitations generally continue “to run until the suit is commenced by the filing of the plaintiff’s complaint in the clerk’s office.” *Gonzales v. Wyatt*, 157 F.3d 1016, 1020 (5th Cir. 1998). Plaintiff filed the instant action approximately sixteen months after the applicable statute of limitations had expired. He provides no basis for equitable tolling under Texas or federal law. Consequently, this action should be dismissed as frivolous under 28 U.S.C. § 1915(e)(2) for his failure to file it within the statutory periods of limitations.