

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KEVIN C. BRATHWAITE,

Plaintiff,

v.

CAPTAIN JOSEPH H. BELANGER,
MAJOR CHARLES CUNNINGHAM,
DELAWARE DEPARTMENT OF
CORRECTIONS, STUART DROWOS,
DELAWARE ATTORNEY GENERAL'S
OFFICE, DETECTIVE MATTHEW
DONOVAN, and WILMINGTON POLICE
DEPARTMENT,

Defendants.

C.A. No. 26-07-JLH-CJB

ORDER

At Wilmington, this 24th day of August, 2026;

WHEREAS, on July 14, 2026, Magistrate Judge Christopher J. Burke issued a Report and Recommendation ("R&R") recommending that the Court dismiss the Complaint with prejudice under 28 U.S.C. § 1915A(b) (D.I. 19);

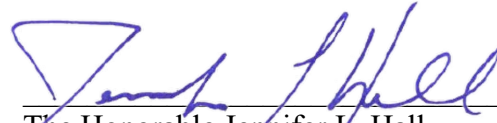
WHEREAS, Plaintiff filed Objections to the Report & Recommendation (D.I. 20);

WHEREAS, the Court has reviewed the Objections and concludes that the case should be dismissed for the reasons articulated by Judge Burke;¹

NOW, THEREFORE, IT IS HEREBY ORDERED that:

¹ The R&R explained, among other things, that "Plaintiff's claims as alleged against Captain Bellenger, Major Cunningham, Drowos, and Detective Donovan, all occurred and accrued prior to . . . May 21, 2002," and are thus outside the applicable two-year limitations period. (D.I. 19 at 7.) Plaintiff's Objections (read liberally) appear to contend that Plaintiff could not have brought this case before 2017 "after he was transfer[r]ed to Pennsylvania[]." (D.I. 20 ¶ 9.) But even if the limitations period were tolled until 2017, this case would still be time-barred.

1. Plaintiff's Objections to the R&R (D.I. 20) are OVERRULED.
2. The R&R (D.I. 19) is ADOPTED.
3. The Complaint is DISMISSED with prejudice under 28 U.S.C. § 1915A(b).
4. Plaintiff's request for default (D.I. 18) is DENIED.
5. The Clerk of Court is directed to CLOSE the case.



The Honorable Jennifer L. Hall
United States District Judge