

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**ROBERT CHARLES JONES**

**PLAINTIFF**

**v.**

**No. 3:14CV219-MPM-DAS**

**TIMOTHY OUTLAW**

**DEFENDANT**

**FINAL JUDGMENT**

Having considered the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge and the objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court.

In his objections, Jones presents several arguments the court will address: (1) that, in his claim for failure to protect him from attack, he meant that inmates should not have unfettered access to a microwave oven, and (2) that, as part of his claim for denial of medical treatment, he believes that the defendants should have transported him to a burn center for treatment. Jones' claim regarding deficient monitoring of the microwave sounds only in negligence, and negligent conduct by prison officials does not rise to the level of a constitutional violation. *Daniels v. Williams*, 474 U.S. 327, 106 S.Ct. 662 (1986), *Davidson v. Cannon*, 474 U.S. 344, 106 S.Ct. 668 (1986). This claim is without merit and will be dismissed. Similarly, as to his claim for denial of adequate medical care, Jones believes that he should have been transferred to a burn center for treatment. However, his medical staff at the Marshall County Correctional Facility clearly did not believe so, as he was not transferred to a burn center. As set forth in the Magistrate Judge's Report and Recommendation, a prisoner's mere disagreement with medical treatment provided by

prison officials does not state a claim against the prison for violation of the Eighth Amendment by deliberate indifference to his serious medical needs. *Gibbs v. Grimmette*, 254 F.3d 545 (5<sup>th</sup> Cir.2001), *Norton v. Dimazana*, 122 F.3d 286, 292 (5<sup>th</sup> Cir. 1997). In this case, Jones simply disagrees with the course of treatment he received, and this claim will be dismissed, as well.

It is ordered:

1. That the plaintiff's objections to the Magistrate Judge's Report and Recommendation are **OVERRULED**;
2. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court; and
3. That the instant case is **DISMISSED** for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. § 1915(g).

**SO ORDERED**, this, the 31st day of August, 2015.

/s/ MICHAEL P. MILLS  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF MISSISSIPPI**