

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CHARLOTTE WILKERSON,

Plaintiff,

v.

Case No. 2:06-0866

CHARLESTON POLICE DEPARTMENT,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who submitted her proposed findings and recommendation on May 7, 2009, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommends that the defendant's motion for summary judgment be granted and jurisdiction over plaintiff's supplemental state claims declined.

On May 20, 2009, plaintiff objected. First, plaintiff appears to contend that medical records subpoenaed by her would have substantiated her claim that the defendant was deliberately indifferent to her serious medical needs. The magistrate judge thoroughly analyzed the reasons why plaintiff failed to satisfy the rigorous deliberate indifference standard. The objection is not meritorious.

Second, plaintiff contends that defendant "divulged privileged details about . . . [her] arrest . . . to the media." (Pl.'s Objecs. at 3). This objection relates to the state claims over which the magistrate judge recommends that supplemental jurisdiction be declined. In any event, plaintiff provides no details concerning the "privileged details" divulged. It seems apparent that the details surrounding plaintiff's arrest, which occurred at an event involving a sitting Vice President of the United States, were matters of intense public interest and properly treated as part of the public record.¹

Based upon the foregoing discussion, the court, accordingly, ORDERS as follows:

1. That the proposed findings and recommendation of the magistrate judge be, and it hereby is, adopted and incorporated herein;
2. That defendant's motion for summary judgment be, and it hereby is, granted;

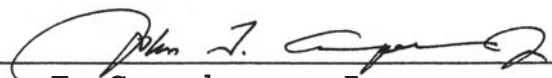
¹To the extent plaintiff additionally challenges her arrest, the magistrate judge has adequately addressed the matter at pages 16 to 17 of the proposed findings and recommendation. Plaintiff also appears to allege that race may have played a role in her arrest. She offers no evidentiary support for the allegation, which the magistrate judge deemed to be untimely and for which the defendant contended plaintiff had offered no evidence. (See PF&R at 26). The court concludes the objection is not meritorious.

3. That supplemental jurisdiction over plaintiff's state law claims be, and it hereby is, declined; and
4. That this action be, and it hereby is, dismissed and stricken from the docket.

Pursuant to Federal Rule of Appellate Procedure 4(a)(1)(A), plaintiff must file any appeal within 30 days after entry of the Judgment in this action. The failure within that period to file with the Clerk of this court a notice of appeal of the Judgment will render this memorandum opinion and order and the Judgment final and unappealable.

The Clerk is directed to forward copies of this order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: May 27, 2009



John T. Copenhaver, Jr.
United States District Judge