

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

---

No. 06-12915  
Non-Argument Calendar

---

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT DECEMBER 12, 2006 THOMAS K. KAHN CLERK
--

D.C. Docket No. 04-01034-CV-W-N

RICHARD TYUS, as Personal Representative of the  
Estate of Geneva Jones Gibbons, Deceased,

Plaintiff-Appellant,

versus

BAPTIST MEDICAL CENTER SOUTH,  
RONALD A. SHAW, M.D., et al.,

Defendants-Appellees.

---

Appeal from the United States District Court  
for the Middle District of Alabama

---

**(December 12, 2006)**

Before DUBINA, CARNES and COX, Circuit Judges.

PER CURIAM:

Richard Tyus, personal representative of the Estate of Geneva Jones Gibbons, appeals the dismissal of his EMTALA claim against Baptist Medical Center South (“Baptist”) and physicians Ronald A. Shaw, M.D., Julios Rios, M.D., and James Bradwell, M.D. (collectively, “the physician defendants”).

While Tyus’s notice of appeal could be construed to appeal the dismissal of the claim against the physician defendants, he makes no arguments in his appellate briefs regarding the physician defendants. Therefore, he has waived any basis for appealing the dismissal of the claim against the physician defendants.

As to the claim against Baptist, we find no reversible error in the district court’s holding that Tyus is barred from bringing that EMTALA claim in a federal action because that claim arises out of the same nucleus of operative facts as those claims he previously pursued in Alabama state court. *See Ragsdale v. Rubbermaid, Inc.*, 193 F.3d 1235, 1239, n.8 (11th Cir. 1999); *In re Justice Oaks II, Ltd.*, 898 F.2d 1544, 1550 (11th Cir. 1990).

**AFFIRMED.**