

United States Court of Appeals
For the Eighth Circuit

No. 18-1268

John Kemp MacInnis, Reg #08355-029

Plaintiff - Appellant

v.

United States of America

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Helena

Submitted: August 28, 2018
Filed: August 31, 2018
[Unpublished]

Before WOLLMAN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Federal inmate John Kemp MacInnis appeals the district court's¹ adverse grant of summary judgment in his Federal Tort Claims Act (FTCA) lawsuit. Viewing the record in a light most favorable to MacInnis, and drawing all reasonable inferences in his favor, see Cullor v. Baldwin, 830 F.3d 830, 836 (8th Cir. 2016) (de novo review), we conclude that summary judgment was properly granted to the United States of America based on MacInnis's failure to provide medical expert testimony in support of his claim of medical negligence, as required by Ark. Code Ann. § 16-114-206(a). See Day v. United States, 865 F.3d 1082, 1086 (8th Cir. 2017) (to bring FTCA claim, controlling law is that of state where act or omission occurred; discussing requirements of § 16-114-206(a) in medical malpractice case arising in Arkansas). The judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable Kristine G. Baker, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendation of the Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.