

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**THOMAS G. BRENNAN,** )  
)  
Plaintiff, )  
)  
**vs.** )  
)  
**COMMISSIONER KIM** )  
**THOMAS, et al.,** )  
)  
Defendants. )  
)

Civil Action Number  
**2:13-cv-00152-AKK-TMP**

**MEMORANDUM OPINION**

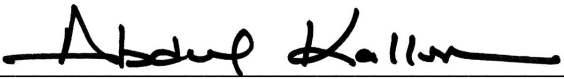
On November 8, 2013, the magistrate judge entered a report and recommendation, doc. 7, and the court allowed the parties fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. On December 4, 2013, after receiving an extension of time from the court, *see* doc. 9, the plaintiff filed objections to the magistrate judge’s report and recommendation, doc. 10.

As Judge Putnam recounted, the plaintiff received treatment immediately after his fall—first conservatively and ultimately with a referral to a free-world surgeon. While this may not have been the exact treatment the plaintiff wanted, or with the speed the plaintiff preferred, the alleged deficiencies here do not rise to a constitutional violation. Consequently, after careful consideration of the record in

this case, Judge Putnam's report and recommendation, and the plaintiff's objections thereto, the court hereby adopts the report of the magistrate judge. The court further accepts the recommendations of the magistrate judge that this action be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2) and that the court decline to exercise supplemental jurisdiction over the plaintiff's state law negligence claim against defendants Davenport, Headley and Terrance.

A separate order in conformity with this Memorandum Opinion will be entered contemporaneously herewith.

Done this 24th day of June, 2014.

  
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ABDUL K. KALLON  
UNITED STATES DISTRICT JUDGE