

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

ORRIN MARABLE,

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Plaintiff,

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v.

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Case No.: 7:18-cv-00573-LCB-SGC

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VIVIAN ODOM, CRNP,

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Defendant.

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**MEMORANDUM OPINION AND ORDER**

The magistrate judge entered an amended report and recommendation (Doc. 37) on January 31, 2019, recommending that (1) the Court grant summary judgment on the individual capacity claims against remaining defendant Vivian Odom; (2) dismiss any official capacity claim against Odom; and (3) decline to exercise supplemental jurisdiction to the extent plaintiff is alleging any state-law claims. The parties were notified of their right to file objections with fourteen days of the report and recommendation being entered by the magistrate judge. No objections were filed.

Having carefully reviewed and considered *de novo* all the materials in the record, including the report and recommendation, the Court concludes that there are no genuine issues of material fact with respect to plaintiff's claim under the

Eighth Amendment to the United States Constitution against Odom in her individual capacity; in particular, plaintiff has not shown that he was subject to deliberate indifference at the hands of Odom during her short medical treatment of him. Furthermore, to the extent plaintiff has asserted a claim against Odom in her official capacity, it also fails. An official capacity claim against Odom is, in essence, a claim against Corizon, LLC (“Corizon”). In addition to the reason pointed out by the magistrate judge (*i.e.*, plaintiff has not alleged that a Corizon policy or custom caused the constitutional violation), the Court finds that any such claim fails because there was no underlying constitutional violation. Finally, the Court agrees with the magistrate judge that it has discretion to exercise supplemental jurisdiction over any state-law claim, and it declines to do so in this case.

Accordingly,

IT IS ORDERED that the magistrate judge’s report and recommendation (Doc. 37) is hereby ADOPTED IN FULL and INCORPORATED by reference herein.

IT IS FURTHER ORDERED that the motion for summary judgment (Doc. 28)<sup>1</sup> is GRANTED.

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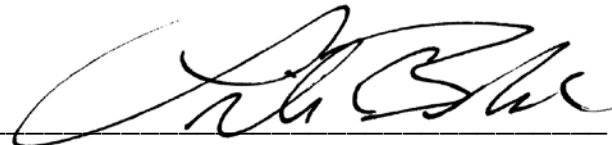
<sup>1</sup> After advising the parties, the magistrate judge construed the special report (Doc. 28) filed by Odom as a motion for summary judgment and treated it accordingly. (Doc. 33 [order]).

IT IS FURTHER ORDERED that any official capacity claims against Odom are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that any state-law claims are DISMISSED WITHOUT PREJUDICE.

A final judgment will be entered separately.

**DONE** and **ORDERED** February 28, 2019.

A handwritten signature in black ink, appearing to read "Liles C. Burke", written over a horizontal line.

**LILES C. BURKE**  
UNITED STATES DISTRICT JUDGE