

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
HELENA DIVISION**

AL M. WILLIAMS *et al.*  
#362773

PLAINTIFFS

V.

NO: 2:11CV00210 SWW/HDY

MARVELL, CITY OF *et al.*

DEFENDANTS

**ORDER**

On June 12, 2012, United States Magistrate Judge H. David Young denied Plaintiff's motions requesting that the Court exercise jurisdiction over his state law medical negligence claims against the Helena Regional Medical Center ("HRMC") and physician Arthur Levy (docket entry #89). Plaintiff has now filed a motion seeking reconsideration of that order (docket entry #100). Judge Young's order was based on the allegations in the complaint, and the fact that the Court previously dismissed with prejudice Plaintiff's federal claims against the HRMC and Levy. Federal law provides:

Notwithstanding any provision of law to the contrary—

(A) a judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

28 U.S.C. § 636(b)(1)(A). *See also* Local Rule 72.1.VII.B. Nothing in Judge Young's order is clearly erroneous or contrary to law. Plaintiff's federal law claims against the HRMC and Levy have been dismissed, and Plaintiff may pursue his state law claims against them in state court. In

fact, Plaintiff has apparently already initiated such a lawsuit (docket entry #87). Accordingly, Plaintiff's motion for reconsideration (docket entry #100) is DENIED.

IT IS SO ORDERED this 2<sup>nd</sup> day of August, 2012.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE