

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

**ADEL HASSAN**

**PLAINTIFF**

**vs.**

**3:10CV00100-WRW**

**ARKANSAS METHODIST  
HOSPITAL CORPORATION  
d/b/a ARKANSAS METHODIST MEDICAL CENTER**

**DEFENDANT**

**ORDER**

Pending is Defendant's Motion to Dismiss with Prejudice (Doc. No. 25), to which Plaintiff has responded,<sup>1</sup> and Defendant has replied.<sup>2</sup> Defendant's motion is GRANTED in part.

Also pending is Plaintiff's Motion to Amend/Correct Complaint (Doc. No. 29), which is DENIED, and Defendant's Motion for Entry of Judgment under Rule 54(b) (Doc. No. 31),<sup>3</sup> which by this Order is MOOT.

**I. BACKGROUND**

The parties were engaged in arbitration on a breach of contract claim when Plaintiff filed his present Complaint requesting that I compel arbitration of his alleged civil rights counterclaims (under 42 U.S.C. § 1981 and the Arkansas Civil Rights Act of 1993). I denied Plaintiff's request because those claims were not arbitrable.<sup>4</sup> The arbitration proceeded and resolved in favor of Defendant. I confirmed Defendant's arbitration awards.<sup>5</sup> Defendant now

---

<sup>1</sup>Doc. No. 27.

<sup>2</sup>Doc. No. 30.

<sup>3</sup>Plaintiff's response is at Doc. No. 33.

<sup>4</sup>Doc. No. 10.

<sup>5</sup>Doc. No. 23.

seeks dismissal with prejudice of Plaintiff's remaining claims, or, in the alternative, entry of partial judgment under Rule 54(b).

## **II. DISCUSSION**

Because Plaintiff filed his Complaint with the primary purpose of compelling arbitration, it is unsurprising that his original Complaint contains no factual allegations supporting any claim of a civil rights violation, and instead contains only a recitation of the elements. Under Rule 12(b)(6), complaints must supply "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do."<sup>6</sup> Accordingly, Plaintiff's civil rights claims are **DISMISSED**, but without prejudice; if Plaintiff wishes to pursue his alleged civil rights claims, he should do so on a clean slate. Defendant is entitled to timely Judgment on the arbitration issues that were the true subject of Plaintiff's Complaint.

## **CONCLUSION**

Defendant's Motion to Dismiss (Doc. No. 25) is **GRANTED** in part: Plaintiff's remaining claims alleging civil rights violations are **DISMISSED** without prejudice. Plaintiff's Motion to Amend/Correct Complaint (Doc. No. 29) is **DENIED**, and Defendant's Motion for Entry of Judgment under Rule 54(b) (Doc. No. 31) is **MOOT**. An appropriate Order of Judgment will be entered dismissing Plaintiff's Complaint in its entirety and confirming the arbitration awards.

IT IS SO ORDERED this 8<sup>th</sup> day of September, 2010.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

---

<sup>6</sup>*Bell Atlantic Corporation v. Twombly*, 127 S. Ct. 1955, 1964-1965 (2007) (citation omitted).