

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

CHRISTINA MARZIALE

PLAINTIFF

v.

No. 4:15CV00655-JLH-JJV

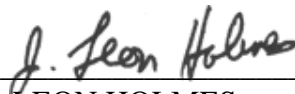
PHYLISS SILAS

DEFENDANT

**ORDER**

Christina Marziale commenced this action in the Circuit Court of Pulaski County, Arkansas, against Phyliss Silas, individually and in her official capacity, under the Arkansas Civil Rights Act and 42 U.S.C. § 1983, alleging that she was provided with inadequate medical care while pregnant as an inmate in the Department of Community Punishment. Silas moved for summary judgment, arguing that Marziale failed to exhaust her administrative remedies. United States Magistrate Judge Joe J. Volpe recommended that the Court grant the motion to dismiss with respect to Marziale's section 1983 claims and remand the state claims to the Circuit Court of Pulaski County, Arkansas. After carefully considering the objections and making a *de novo* review of the record, the Court adopts the recommended disposition. Christina Marziale's claims under federal law are dismissed without prejudice because Marziale did not exhaust her administrative remedies. Marziale's claims that arise under state law are remanded to the Circuit Court of Pulaski County, Arkansas.

IT IS SO ORDERED this 8th day of December, 2015.

  
\_\_\_\_\_  
J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE