

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

**CARLOS RAY BROWNING,  
ADC #122856**

**PLAINTIFF**

**V. CASE NO. 4:17-CV-00292 JM/BD**

**JOHNSON, et al.**

**DEFENDANTS**

**ORDER**

The Court has received a Partial Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. Mr. Browning has filed timely objections to the Recommendation related to the dismissal of Defendant Mitchell and simultaneously filed a Motion to Amend Complaint (Document No. 11).

After careful review of the Recommendation, Mr. Browning’s timely objections and Motion to Amend Complaint, as well as a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects. The Motion to Amend Complaint (Document No. 11) is DENIED, as the Court finds that the proposed amendment would still not explain how Defendant Mitchell was personally involved in any constitutional violations. *Keeper v. King*, 130 F.3d 1309, 1314 (8th Cir.1997) (general responsibility for supervising prison operations is insufficient to establish personal involvement required for § 1983 liability; official who is not involved in medical decisions and has no medical expertise cannot be liable for medical staff’s diagnostic decisions).

All claims against Defendants Johnson, Humphry, Holiday, and Mitchell are DISMISSED, without prejudice. All claims against the Pulaski County Regional Detention Facility, are DISMISSED, with prejudice.

Mr. Browning may proceed on deliberate indifference claims against Defendants Cook,

Burton, and Jane Doe; against Turn Key Health for an unconstitutional policy; against Defendant Pratt for corrective-inaction; and against medical Defendants for state law negligence and medical malpractice claims.

IT IS SO ORDERED, this 27<sup>th</sup> day of June, 2017.

  
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UNITED STATES DISTRICT JUDGE