

**THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

RICKEY BROWN
Reg #27002-510

PLAINTIFF

v.

Case No. 4:23-cv-00649-KGB

**SHARRON CASTLEBERRY, Jail Administrator,
Prairie County Detention Facility, and
RICK PARSON, Sheriff, Prairie County**

DEFENDANTS

ORDER

Before the Court are two recommended dispositions submitted by United States Magistrate Judge Jerome T. Kearney. First, there are Proposed Findings and Recommendations (“First Recommendation”) recommending that plaintiff Rickey Brown’s claims against separate defendant Rick Parson be dismissed without prejudice for failure to state a claim upon which relief can be granted and that Mr. Parson be dismissed as a party to this action (Dkt. No. 11). Mr. Brown filed objections to the First Recommendation (Dkt. No. 12). Second, there are Proposed Findings and Recommendations (“Second Recommendation”) recommending that separate defendant Sharron Castleberry’s motion for summary judgment be granted (Dkt. No. 32), that Mr. Brown’s claims against Ms. Castleberry be dismissed with prejudice, and that this case be dismissed (Dkt. No. 43). Mr. Brown did not file objections to the Second Recommendation, and the time to do so has passed. For the following reasons, the Court approves and adopts both recommendations.

I. First Recommendation

Judge Kearney’s First Recommendation recommends that Mr. Brown’s claims against Mr. Parson in his amended complaint be dismissed for failure to state a claim upon which relief can be granted. Judge Kearney notes that, although Mr. Brown alleges that he wrote grievances to the attention of Mr. Parson, the grievances went only to Ms. Castleberry, who said that she would pass

them on (Dkt. No. 11, at 3). Mr. Brown makes no other allegations against Mr. Parson, and, as Judge Kearney notes, the allegations as they stand “do not reflect any action or omission upon which Defendant Parson could be found liable” (*Id.*, at 3–4). Mr. Brown objects that Mr. Parson, as sheriff of Prairie County, should have been aware of the conditions at the Prairie County, Arkansas, Detention Center (“Detention Center”) where Mr. Brown was then being held in custody (Dkt. No. 12, at 1). This objection breaks no new legal ground, as there is no supervisor liability or respondeat superior liability for purposes of a claim brought under 42 U.S.C. § 1983. *Wagner v. Jones*, 664 F.3d 259, 275 (8th Cir. 2011). Upon a *de novo* review of the record, the Court determines that Mr. Brown has not alleged any act or omission against Mr. Parson upon which Mr. Parson could be held liable.

Thus, after carefully considering Mr. Brown’s timely filed objections and making a *de novo* review of the record, the Court approves and adopts the First Recommendation’s proposed findings and recommendations in their entirety as this Court’s findings in all respects. The Court therefore dismisses Mr. Brown’s claims against separate defendant Mr. Parson.

II. Second Recommendation

Judge Kearney’s Second Recommendation recommends that Ms. Castleberry’s motion for summary judgment be granted (Dkt. No. 32), that Mr. Brown’s claims against Ms. Castleberry be dismissed with prejudice, and that this case be dismissed. Mr. Brown has not filed any objections to the Second Recommendation. Judge Kearney recommends that the motion for summary judgment be granted because the undisputed facts of this case establish that Mr. Brown lacked access to medical treatment only because Mr. Brown repeatedly refused to see a doctor because a copay would be charged to his account for the visit (Dkt. No. 43, at 8–12). Moreover, Judge Kearney notes that the undisputed facts show that Mr. Brown was not refused medical care based

on an inability to pay for the care (*Id.*, at 10). With respect to Mr. Brown's official capacity claims, Judge Kearney notes that the Detention Center's policy is not unconstitutional (*Id.*, at 12).

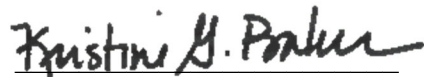
After careful review of the record, the Court approves and adopts the Second Recommendation's proposed findings and recommendations in their entirety as this Court's findings in all respects. The Court grants Ms. Castleberry's motion for summary judgment (Dkt. No. 32) and dismisses with prejudice Mr. Brown's claims against Ms. Castleberry.

III. Conclusion

For the foregoing reasons, the Court:

- (1) dismisses without prejudice Mr. Brown's claims against Mr. Parson;
- (2) dismisses Mr. Parson as a party to this lawsuit;
- (3) grants Ms. Castleberry's motion for summary judgment (Dkt. No. 32);
- (4) dismisses with prejudice Mr. Brown's claims against Ms. Castleberry; and
- (5) dismisses this action consistent with this Order.

It is so ordered this 27th day of January, 2025.



Kristine G. Baker

Chief United States District Judge