

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**JOHN E. DODDS
ADC # 132088**

PLAINTIFF

v. No. 5:11-cv-291-DPM-BD

**CORRECTIONAL MEDICAL SERVICES;
DREAM YOUNG; JONAK; YORK; BEVERLY
SIMMONS; LIGGET; BARNES; HOUSTON; and
ST. VINCENT HEALTH SYSTEM**

DEFENDANTS

ORDER

The Court has considered Magistrate Judge Beth Deere's proposed Partial Recommended Disposition, *Document No. 33*, and John Dodds's objection, *Document No. 44*. Having conducted a *de novo* review, the Court adopts Judge Deere's proposed result with a clarification on the reasoning. FED. R. CIV. P. 72(b)(3). Dodds's objection, which Judge Deere did not have, asserts a contract between St. Vincent and CMS. Assuming without deciding that this alleged contract exists and would make St. Vincent a state actor subject to § 1983, Dodds's claim against the hospital nonetheless still fails as a matter of law. Dodds's allegations about St. Vincent's lack of follow-up, and failure to replace Dr. Houston, at most create an issue of negligence, not

deliberate indifference. Dodds's claims against St. Vincent are therefore dismissed without prejudice.

So Ordered.

D.P. Marshall Jr.

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United States District Judge

23 April 2012