

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

**C. R. FLOYD BRANNON
ADC # 124405**

PLAINTIFF

v.

No. 5:15-cv-315-DPM

**JOHN O. LYTLE, Doctor, CCS; BERNARD
G. CROWELL, Doctor, CCS; TROY MOORE,
Doctor, CCS; ESTELLA BLAND, APN,
Cummins Unit; and CCS INC.**

DEFENDANTS

ORDER

Unopposed recommendation, *No 86*, adopted. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Lytle and CCS's motion for summary judgment, *No 64*, is granted in part and denied in part. Brannon's § 1983 claims against Lytle will be dismissed without prejudice for not exhausting administrative remedies. And the Court declines to exercise supplemental jurisdiction over Brannon's medical malpractice claims against Lytle, Crowell, Moore, Bland, and CCS, Inc. Those state law claims will be dismissed without prejudice, too. Although Dr. Moore was served only recently, *No 83*, the motion's jurisdictional argument also reaches the claim against him. If he chooses to do so, and if he does so within the time allowed by law, Brannon may pursue his state law claims for medical malpractice in state court.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

27 June 2017