

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

**JAMES SWAIM, ADC #131028**

**PLAINTIFF**

**VS.**

**5:16-CV-00131-BRW-JTR**

**ESTELLA BLAND, APN; and  
ANNETTE ESAW, Administrative Assistant,  
Correct Care Solutions, Inc.**

**DEFENDANTS**

**ORDER**

I have reviewed the Recommendation submitted by United States Magistrate Judge J. Thomas Ray and the filed objections.<sup>1</sup> After considering these documents and making a *de novo* review of the record in this case, I approve and adopt the Recommendation as set out below:

Defendants' Motion for Summary Judgment is GRANTED IN PART.<sup>2</sup> Plaintiff's federal claims against Bland and Esaw are DISMISSED with prejudice.

Plaintiff's remaining miscellaneous claims are more appropriately resolved in state court. Now that all of his federal claims have been disposed, I decline to exercise pendent jurisdiction over the remaining claims, and they are DISMISSED without prejudice.<sup>3</sup>

I certify that an *in forma pauperis* appeal from this Order would not be taken in good faith.

IT IS SO ORDERED this 19th day of September, 2017.

/s/ Billy Roy Wilson\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. Nos. 46, 49.

<sup>2</sup>Doc. No. 22.

<sup>3</sup>See *Johnson v. City of Shorewood*, 360 F.3d 810, 819 (8th Cir. 2004) ("The Supreme Court has noted in the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the pendent jurisdiction doctrine. . . will point toward declining to exercise jurisdiction over the remaining state-law claims.") (internal quotation and citation omitted).