

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

DEVERICK SCOTT, ADC #131042

PLAINTIFF

v.

Case No. 5:18-cv-00190-KGB

ROY GRIFFIN, et al.

DEFENDANTS

ORDER

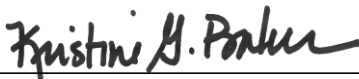
Before the Court are the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney on July 2, 2019 (Dkt. No. 61). Judge Kearney recommends that defendants' motions for summary judgment be granted and that plaintiff Deverick Scott's complaint be dismissed with prejudice. Mr. Scott has filed timely objections to Judge Kearney's Proposed Findings and Recommendations (Dkt. No. 62). Mr. Scott has also filed a motion for a status update (Dkt. No. 63), a letter to the Court, which the Court construes as a motion for copies and a motion for a status update (Dkt. No. 64), a second motion for copies (Dkt. No. 65), and a third motion for a status update (Dkt. No. 66). After careful consideration of the Proposed Findings and Recommendations and Mr. Scott's objections, as well as a de novo review of the record, the Court finds no reason to alter or reject Judge Kearney's conclusion.

The Court writes separately to address briefly Mr. Scott's objections. The Court agrees with Judge Kearney that the summary-judgment record is insufficient to create a genuine dispute of material fact as to whether defendants acted with deliberate indifference to Mr. Scott's serious medical needs. It is important to note that, by this decision, the Court does not approve of the medical treatment that Mr. Scott received while incarcerated at the Varner Unit of the Arkansas Department of Correction. The Court, like Judge Kearney, and on the record before it, "cannot understand why it took a year to obtain the restorative filling, or why tooth #18 could not have

been restored at the same time other teeth were restored.” (Dkt. No. 61, at 9.) But, for the reasons explained by Judge Kearney, defendants’ conduct in this matter does not rise to the level of deliberate indifference under Supreme Court and Eighth Circuit precedents. The Court also notes that, because the Court declines to exercise supplemental jurisdiction over Mr. Scott’s state-law negligence and medical malpractice claims, they will be dismissed without prejudice.

Accordingly, the Court adopts the Proposed Findings and Recommendations in their entirety as this Court’s findings of fact and conclusions of law (Dkt. No. 61). The Court grants defendants’ motions for summary judgment and dismisses with prejudice Mr. Scott’s Eighth Amendment claims against Correct Care Solutions, LLC, Dr. Steven Stringfellow, Dr. James Dove,¹ Jason Kelley, and Rory Griffin² (Dkt. Nos. 44, 49). The Court dismisses without prejudice Mr. Scott’s state-law claims. The Court denies as moot Mr. Scott’s motions for a status update (Dkt. Nos. 63, 64, 66). Finally, the Court grants Mr. Scott’s motion for copies and directs the Clerk of Court to send to Mr. Scott a copy of the docket sheet for this case (Dkt. No. 65).

It is so ordered this 21st day of February, 2020.



Kristine G. Baker
United States District Judge

¹ Dr. James Dove was originally identified by Mr. Scott as “James Drove.”

² Rory Griffin was originally identified by Mr. Scott as “Roy” Griffin.