

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

KEVIN DIXON

PLAINTIFF

VS.

CASE NO. 4:11-CV-04015

SHERIFF RON STOVALL;
CAPTAIN HARTLINE; CAPTAIN
HEINTZLEMAN; SGT. GILES;
SGT. BAYLESS; CPL. LAFAYETTE;
JAILER ADAMS; JAILER S. SMITH;
JAILER SHIVERS; and NURSE CRANFORD,
Correctional Health Care Management, Inc.

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed January 30, 2012 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 48). Judge Bryant has examined Separate Defendant Nurse Cranford's Motion for Summary Judgment (ECF No. 25), and Plaintiff's Response. (ECF No. 47). Judge Bryant recommends granting the Defendant's motion. Plaintiff has filed an objection to Judge Bryant's report. (ECF No. 52). After conducting a de novo review of the record, the Court adopts Judge Bryant's Report and Recommendation as its own.

BACKGROUND

When the events of this case took place, Plaintiff, Kevin Dixon, was an inmate at the Miller County Detention Center (MCDC). The Defendant, Nurse Melissa Cranford, was a Licensed Vocational Nurse employed by Correctional Health Care Management Services, and

occasionally worked at MCDC. Nurse Cranford first saw Plaintiff on September 14, 2010 for injuries he says were caused by falling in his cell. Nurse Cranford noted swelling in Plaintiff's forearm and right-thumb, and gave him two Ibuprofen for the pain and swelling. Plaintiff also allegedly had an injury to his forehead, and there is a dispute about whether Nurse Cranford noted or treated that injury. (Plaintiff contends that his forehead was injured, not his forearm). In any event, Plaintiff found the Ibuprofen insufficient to relieve his excruciating pain and dizziness.

A week later, on September 21, 2010, Plaintiff again sought medical attention, complaining of head pain. He says he complained to Nurse Cranford directly, in addition to making a formal complaint. Nurse Cranford had Dr. Nash prescribe 500mg Tylenol pills for the Plaintiff. Plaintiff, however, denies receiving the Tylenol or being told about it. He also notes that Nurse Cranford expressed a desire to treat him but was limited by not having her supervisor's approval. Those two September encounters were Plaintiff's only contact with Nurse Cranford. Plaintiff later filed suit against Nurse Cranford and other parties for denial of medical care in violation of 42 U.S.C. § 1983.¹

DISCUSSION

The Eighth Amendment, and hence § 1983, is violated when a prison official is deliberately indifferent to an inmate's serious medical needs. *Schaub v. VonWald*, 638 F.3d 905, 914 (8th Cir. 2011). An inmate's mere difference of opinion about matters of medical judgment or a course of treatment, however, does not establish a constitutional violation. *Tyler v. Bowers*, 966 F.2d 417, 421 (8th Cir. 1992) (overruled on other grounds).

Plaintiff objects to Judge Bryant's recommendation because Nurse Cranford allegedly

¹ Plaintiff made other § 1983 claims against other defendants, but his only claim against Nurse Cranford is for denial of medical care.

“didn’t take his vital signs or perform any other tests.” However, Plaintiff’s position is a matter of medical judgment, and a difference of opinion on a matter of medical judgment does not establish a § 1983 claim for denial of medical care.

The Court agrees with Judge Bryant that the Plaintiff has provided insufficient evidence to make out a denial-of-medical-care claim against Nurse Cranford. The Court thus adopts Judge Bryant’s Report and Recommendation (ECF No. 48) in its entirety. Therefore, Nurse Cranford’s Motion for Summary Judgment (ECF No. 25) should be and hereby is **GRANTED**. Plaintiff’s claims against Nurse Crawford are hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED, this 4th day of September, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge