

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

JOSHUA JAY WILLIAMS

PLAINTIFF

v.

Case No. 5:14-CV-05370

NURSE RHONDA BRADLEY

DEFENDANT

ORDER

Currently before the Court are the proposed findings and recommendations (Doc. 34) of the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. The time for filing objections has passed, and no objections have been filed by any party.

The Court has reviewed this case and finds that the report and recommendation should be ADOPTED IN PART. The Court agrees entirely with the Magistrate's report and recommendations regarding Plaintiff's 42 U.S.C. § 1983 claims. While the Court also agrees with and adopts the analysis and general findings contained in the Magistrate's report as they relate to Plaintiff's other claims, the Court declines to adopt the Magistrate's ultimate recommendation on the official capacity claim and the breach of contract claim against Nurse Rhonda Bradley.

In a prior order (Doc. 24), the Court adopted in its entirety a report and recommendation (Doc. 22) from Judge Ford that included dismissal without prejudice of all official capacity claims against Bradley. Given that these claims have been dismissed without prejudice, and have not been reintroduced to this lawsuit by amended complaint, there are no official capacity claims for the Court to dismiss.

Regarding the breach of contract claim against Bradley, the Court adopts the Magistrate's analysis that it is appropriate to decline supplemental jurisdiction over this state law claim because Plaintiff's § 1983 claims, his only federal claims, will be dismissed. However, declining to

exercise jurisdiction does not require dismissal with prejudice, and the Court will therefore dismiss the breach of contract claim without prejudice.

IT IS THEREFORE ORDERED that Defendant Rhonda Bradley's motion for summary judgment (Doc. 26) is GRANTED. Plaintiff's 42 U.S.C. § 1983 claims against Bradley are DISMISSED WITH PREJUDICE. Plaintiff's breach of contract claim against Bradley is DISMISSED WITHOUT PREJUDICE. Judgment will be entered accordingly.

IT IS SO ORDERED this 28th day of September, 2016.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE