

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY LEE PATMON,

Plaintiff,

vs.

WASHINGTON COUNTY JAIL, NE,
TAMMY BADER, and CAROL
HANNEMAN,

Defendants.

8:16CV390

**MEMORANDUM
AND ORDER**

On August 12, 2016, Plaintiff filed a Complaint. ([Filing No. 1.](#)) On August 31, 2016, Plaintiff filed an Amended Complaint. ([Filing No. 8.](#)) On November 30, 2016, the court ordered Plaintiff to file a second amended complaint because his Amended Complaint failed to state a claim upon which relief could be granted. ([Filing No. 14.](#)) On December 7, 2016, Plaintiff filed a second Amended Complaint. ([Filing No. 15.](#)) The court now reviews Plaintiff's second Amended Complaint.

In his second Amended Complaint, Plaintiff continues to claim, at most, negligence against Defendants Tammy Bader and Carol Hanneman. (*See* [Filing No. 15 at CM/ECF pp. 1-11.](#)) The court warned Plaintiff in its previous order that “[i]t is well-established that mere negligence does not support an Eighth Amendment violation.” *See Gregoire v. Class*, 236 F.3d 413, 418 (8th Cir. 2000). ([Filing No. 14 at CM/ECF p. 5.](#)) Accordingly, all § 1983 deliberate indifference claims against Bader and Hanneman are dismissed. All § 1983 deliberate indifference claims against Washington County are dismissed for the reasons stated in the court's order dated November 30, 2016. (*Id.*)

Plaintiff adds state-law medical malpractice claims against Defendants in his second Amended Complaint. ([Filing No. 15 at CM/ECF pp. 1-4.](#)) Because the court has dismissed all claims over which it had original jurisdiction, and the court can determine no other basis for federal jurisdiction over the state-law claims, the court will dismiss Plaintiff's state-law claims against Defendants without prejudice to reassertion in the proper forum.

IT IS THEREFORE ORDERED that:

1. All § 1983 deliberate indifference claims against Defendants are dismissed with prejudice.
2. All state-law medical malpractice claims against Defendants are dismissed without prejudice to reassertion in the proper forum.
3. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 14th day of February, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge