

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Steven Lee Kline,

Plaintiff,

v.

Case No. 2:21-cv-531

Gary Artrip,

Defendant.

ORDER

This is a civil rights action brought pursuant to 42 U.S.C. §1983 by Steven Lee Kline, a state inmate proceeding without the assistance of counsel, against Gary Artrip, a medical professional employed by the Ohio Department of Rehabilitation and Correction. Plaintiff alleged that he received inadequate medical treatment from Mr. Artrip.

On March 16, 2021, the magistrate judge filed a report and recommendation on the initial screen of plaintiff's complaint pursuant to 28 U.S.C. §§1915(e)(2) and 1915A, which requires the court, in a civil action in which a prisoner seeks redress from a governmental officer or employee, to dismiss a complaint that fails to state a claim upon which relief may be granted. 28 U.S.C. §1915A(a)-(b)(1). The magistrate judge recommended that plaintiff's Eighth Amendment claim of inadequate medical care be dismissed for failure to state a claim for relief. Insofar as plaintiff's complaint alleged state-law medical malpractice and negligence claims, the magistrate judge recommended that the court decline to exercise supplemental jurisdiction over such claims, and that the state-law claims be dismissed without prejudice.

The report and recommendation advised plaintiff that the

failure to object to the report and recommendation would result in a waiver of the right to de novo review by the district judge and a waiver of the right to appeal the decision of the district court adopting the report and recommendation. Doc. 5, p. 9. Plaintiff did not file an objection to the report and recommendation. Instead, plaintiff filed a motion to withdraw his claims under Fed. R. Civ. P. 41, indicating that he will no longer be pursuing this action. Doc. 6.

The court agrees with the report and recommendation (Doc. 5), and it is hereby adopted. The federal Eighth Amendment medical indifference claim is dismissed pursuant to §1915(e) (2) for failure to state a claim. The court declines to exercise supplemental jurisdiction over plaintiff's state-law claims, and those claims are dismissed without prejudice. Plaintiff's motion to withdraw his claims (Doc. 6) is moot.

Date: March 31, 2021

s/James L. Graham
James L. Graham
United States District Judge