

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TREVOR MANNY ANDERSON,)
)
 Plaintiff,)
)
 v.)
)
 COMMISSIONER, TENNESSEE)
 DEPARTMENT OF CORRECTIONS,)
 et al.,)
)
 Defendants.)

**No. 3:11-0806
Judge Sharp**

ORDER

In this case alleging the denial of adequate medical care brought by Plaintiff Trevor Manny Anderson, a prisoner at the Riverbend Maximum Security Institution, the Magistrate Judge has entered a Report and Recommendation (“R & R”) (Docket No. 63) which recommends: (1) granting the Motions to Dismiss filed by Defendant Derrick Schofield (Docket No. 38) and Ricky Bell (Docket No. 49); (2) granting the Motion for Summary Judgment filed by Defendants Desiree Andrews, Wanda Arnold, Correctional Medical Services, Inc., and Innocentes Sator (Docket No. 43); and (3) dismissing this case. Despite being specifically advised in the R & R that any objections to the R & R were to be filed within fourteen days from receipt, Plaintiff has filed no objections.

Having reviewed the matter *de novo* in accordance with Fed. R. Civ. P. 72(b), the Court agrees with the Magistrate Judge’s recommendation. The claims against Defendants Schofield and Bell are subject to dismissal because they are immune from suit in their official capacity, and cannot be held liable under a theory of *respondeat superior* in their individual capacity under 42 U.S.C. §

1983. Further, Plaintiff has wholly failed to show that any of the Defendants acted with deliberate indifference to his serious medical needs so as to support an Eighth Amendment claim. Finally, the allegations of medical malpractice do not lie within the ken of ordinary laymen, and Plaintiff does not offer any expert testimony to establish causation as required by Tennessee law.

Accordingly, the Court rules as follows:

(1) The R & R (Docket No. 63) is hereby ACCEPTED and APPROVED;

(2) The Motions to Dismiss filed by Defendants Schofield (Docket No. 38) and Bell (Docket No. 49) are hereby GRANTED;

(3) The Motion for Summary Judgment filed by Defendants Andrews, Arnold, Correctional Medical Services, and Sator (Docket No. 43) is hereby GRANTED; and

(4) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE