

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JAMES J. JARDINA, # 418-567

*

*

Plaintiff,

*

*

v.

*

Civil Action No. JKB-16-1255

*

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES,

*

*

RICHARD J. GRAHAM, JR. Warden (WCI),
DENISE GELSINGER, Ass't Warden (WCI),

*

*

B. ZILLER, CO II (WCI),

*

WEXFORD HEALTH SOURCES, INC.,

*

ROBUSTIANO BARRERA, Doctor (WCI),

*

BEVERLY McLAUGHLIN, RNP, Medical

*

Provider (WCI)

*

*

Defendants.

*

ORDER

For reasons stated in the foregoing memorandum opinion, it is this 2nd day of March 2017,
by the United States District Court for the District of Maryland, hereby ordered:

1. The Clerk shall amend the docket as directed in the memorandum opinion;
2. The Wexford Defendants' motion to dismiss or, in the alternative, motion for summary judgment (ECF No. 14) IS GRANTED. The claims against Wexford Health Sources, Inc., ARE DISMISSED with prejudice. The ADA claims against Barrera and McLaughlin ARE DISMISSED without prejudice. Summary judgment is entered in favor of Barrera and McLaughlin as to Jardina's claims they rendered inadequate medical care in violation of his Eighth Amendment rights by failing to provide him with a personalized wheelchair and ensure its maintenance;
3. The State Defendants' motion to dismiss or, in the alternative, motion for summary

judgment (ECF No. 27) IS GRANTED. The claims against the DPSCS ARE DISMISSED with prejudice. The ADA claims against Graham, Gelsinger, and Ziler ARE DISMISSED without prejudice. Summary judgment is entered in favor of Graham, Gelsinger, and Ziler as to Jardina's Eighth Amendment claim that they acted with deliberate indifference to his safety in regard to his fall from a wheelchair;

4. The court DECLINES to exercise supplemental jurisdiction over Jardina's state law claims, which are DISMISSED WITHOUT PREJUDICE;
5. The Clerk SHALL CLOSE this case; and
6. The Clerk SHALL SEND a copy of this order and the foregoing memorandum opinion to Jardina and counsel of record.

/s/
James K. Bredar
United States District Judge