

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

**EDRICK FLOREAL-WOOTEN; JEREMIAH LITTLE;
JULIO GONZALES; DAYMAN BLACKBURN;
THOMAS FRITCH**

PLAINTIFFS

VS. NO. 5:22-cv-05011-TLB

**TIM HELDER, SHERIFF OF WASHINGTON COUNTY,
ARKANSAS, in his individual capacity;
KARAS CORRECTIONAL HEALTH, P.L.L.C;
DR. ROBERT KARAS, M.D., in his individual capacity**

DEFENDANTS

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Come now, Defendants, by and through Undersigned Counsel, and for their Motion for Summary Judgment herein state and allege:

1. The Plaintiffs have filed an Amended Complaint against former Sheriff Tim Helder in his individual capacity, Dr. Robert Karas, in his individual capacity, and Karas Correctional Health, P.L.L.C., (“KCH”) pursuant to 42 U.S.C. § 1983, claiming Defendants violated their constitutional rights. Doc. No. 34. Plaintiffs also have sued KCH and Dr. Robert Karas for the state tort of battery. *Id.*

2. The material facts are not in dispute and the Defendants are entitled to judgment as a matter of law pursuant to Fed. R. Civ. P. 56. The individual Defendants are at least entitled to qualified immunity. Finally, Plaintiffs cannot provide proof of an underlying constitutional violation and cannot provide proof that any alleged violation of their constitutional rights was caused by an unconstitutional policy, practice, or custom of KCH. Thus, KCH is entitled to summary judgment on Plaintiffs’ claim under Section 1983.

3. Dr. Karas and KCH are also entitled to summary judgment on Plaintiffs' state law battery claim as more fully discussed in the accompanying brief. Additionally, based on the undisputed facts, Dr. Karas and KCH are entitled to statutory immunity under Ark. Code Ann. § 21-9-301.

4. Plaintiff Fritch's claims should also be dismissed for his failure to exhaust remedies under the Prison Litigation Reform Act.

4. In support of the instant motion, Defendants are also filing an accompanying brief in support and statement of undisputed material facts. Additionally, in support of the instant motion, Defendants have attached Exhibits A through V, and any exhibits attached thereto.

5. For the reasons stated herein and in the accompanying documents, Defendants are entitled to summary judgment and immunity from suit.

WHEREFORE, Defendants respectfully request that Defendants' motion be granted and the case dismissed with prejudice, and all other just and proper relief.

Respectfully submitted,

Tim Helder, et al.
Defendants

Michael A. Mosley
Michael A. Mosley
Ark. Bar. No. 2002099
JASON OWENS LAW FIRM, P.A.
Mailing Address: P.O. Box 850
Conway, Arkansas 72033-0850
Physical Address: 1312 W. Oak Street
Conway, Arkansas 72034
Telephone: (501) 764-4334
Telefax: (501) 764-9173
email: mosley@jowenslawfirm.com