

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**FRANK CHRISTIAN DUNN
Reg No. 32395**

PLAINTIFF

v.

Case No. 4:23-cv-00428-KGB

USA

DEFENDANT

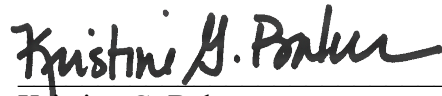
ORDER

Before the Court is a Recommended Disposition (“Recommendation”) submitted by United States Magistrate Judge Patricia S. Harris (Dkt. No. 47). Plaintiff Frank Christian Dunn filed objections to the Recommendation (Dkt. No. 48). Defendant United States of America (“USA”) filed a response to the objections (Dkt. No. 49). After conducting a *de novo* review of the record, including the Recommendation, objections, and response, the Court adopts the Recommendation in its entirety as this Court’s findings in all respects. (Dkt. No. 47).

The Court writes separately to address Dunn’s objections and his request that the Court delay ruling on this matter until his release from custody (Dkt. No. 48). Having reviewed the record *de novo*, the Court concurs that Dunn’s claims involve follow-up care and treatment for a broken clavicle, which are not matters of common knowledge which would obviate the need for expert testimony. In other words, Dunn requires competent medical testimony to maintain his claims. Further, although Dunn now makes the request that this Court delay ruling on his claims due to his lack of competent medical testimony, Dunn did not raise this issue or make this request during the discovery period or when preparing his response to the USA’s motion for summary judgment. He first raises this issue now in response to the Recommendation. The Court is not inclined to delay resolution of this case, reopen discovery, or reopen briefing on the USA’s motion for summary judgment, especially given Dunn’s delay in making such a request.

For the above reasons, the Court adopts the Recommendation as its findings in all respects (Dkt. No. 47). The Court overrules Dunn's objections (Dkt. No. 48). USA's motion for summary judgment is granted (Dkt. No. 33). Dunn's motion for summary judgment is denied (Dkt. No. 30). Dunn's complaint is dismissed with prejudice (Dkt. No. 2). The Court recommends that, in the future, dismissal of this action count as a strike under 28 U.S.C. § 1915(g). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would be frivolous and not taken in good faith.

It is so ordered this 23rd day of September, 2025.

A handwritten signature in black ink, reading "Kristine G. Baker", written in a cursive style.

Kristine G. Baker

Chief United States District Judge