

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

MICHAEL MCLAUGHLIN,)
)
Plaintiff,)
)
v.)
)
WINCHESTER COMMUNITY)
UNIT DISTRICT 1,)
)
Defendant.)
)

NO. 08-3123

OPINION

RICHARD MILLS, U.S. District Judge:

Plaintiff filed a notice of voluntary dismissal (without prejudice) relating to his claims arising under the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232(g), and now seeks remand to the state court. While Plaintiff does not cite any rule to support the dismissal, it appears to be pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). However, where a plaintiff seeks dismissal of some but not all claims against a single defendant, courts have typically required a plaintiff to amend the complaint under Rule 15. *See, e.g., Loutfy v. R.R. Donnelley & Sons, Co.*, 148

F.R.D. 599, 602 (N.D. Ill. 1993).

Ergo, the Court denies Plaintiff's motion to reconsider remand at this time [d/e 11]. Nevertheless, Plaintiff need not seek leave of this court to file an amended complaint that omits the relevant federal issue. If such an amendment is filed, the court will reconsider the propriety of a remand at that time. *See Williamson v. Vill. of Swansea*, 2008 WL 656042, *1 (S.D. Ill. March 6, 2008) (following similar approach).

IT IS SO ORDERED.

ENTERED:

September 11, 2008

FOR THE COURT:

/s Judge Richard Mills
United States District Judge