

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

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|---------------------------------|---|---------------------------------|
| HAYWOOD JACKSON MIZELL, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 1:14-cv-13-WHA |
| |) | |
| WELLS FARGO BANK, N.A., et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. # 15) filed on April 9, 2014 and the Partial Objection (Doc. # 16) filed by the Plaintiff on April 24, 2014.

Following an independent evaluation and de novo review of the entire file, the court finds the Partial Objection, which objects only to the recommendation to dismiss the Plaintiff’s § 1983 claims, to be without merit. The court agrees with the reasoning of the magistrate judge in that regard, and adopts it. The court adopts the Recommendation of the Magistrate Judge in its entirety with the modification that, instead of finding that the court is without jurisdiction over the Plaintiff’s state-law claims, the court finds that those claims are “so related to claims in the action within such original jurisdiction [over the § 1983 claim] that they form part of the same case or controversy,” and, thus, the court has supplemental jurisdiction over them under 28 U.S.C. § 1367(a). However, the court having decided to dismiss the § 1983 claims, the court will decline to exercise its supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(c)(3). Therefore, it is hereby

ORDERED that

1. The Plaintiff's Partial Objection (Doc. # 16) is OVERRULED.
2. The Motion to Dismiss (Doc. # 8) is GRANTED in part as to the Plaintiff's 42 U.S.C. § 1983 claims, and the Plaintiff's § 1983 claims against all Defendants are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief can be granted.
3. The Plaintiff's remaining state-law claims are REMANDED to the Circuit Court of Dale County, Alabama, and the Clerk is DIRECTED to take appropriate action to effect the remand.

DONE this 30th day of May, 2014.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE