

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

DARRELL SMEDLEY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:15-CV-81-WKW
)	[WO]
CITY OF OZARK,)	
)	
Defendant.)	

ORDER

On August 26, 2015, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 10.) Upon an independent review of the file in this case and upon consideration of the Recommendation, it is ORDERED that the Recommendation is ADOPTED with modification. It is ORDERED that, as set out in the well-reasoned Recommendation, Defendants' Motion to Dismiss (Doc. # 3) as to the federal-law claims is GRANTED. The Recommendation further is ADOPTED as to the Magistrate Judge's recommendation that the court decline jurisdiction over the state-law claims pursuant to 28 U.S.C. § 1367(a)(3). Rather than dismiss the state-law claims without prejudice, however, the court will remand the state-claims to the Circuit Court of Dale County, Alabama. *See Cook ex rel. Estate of Tessier v. Sheriff of*

Monroe Cnty., Fla., 402 F.3d 1092, 1123 (11th Cir. 2005) (“Because this case was originally filed in state court and removed to federal court pursuant to 28 U.S.C. § 1441, if the district court declines to continue to exercise supplemental jurisdiction, [the] remaining claim[s] should be remanded to state court.”).

A separate final judgment will be entered.

DONE this 15th day of September, 2015.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE