

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

<b>ISAAC DAVIS,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>vs.</b>	:	<b>CA 15-0138-KD-C</b>
	:	
<b>DANIEL L. MCCARTHY, et al.,</b>	:	
	:	
<b>Defendants.</b>		

**ORDER**

After due and proper consideration of the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated August 26, 2015, is **ADOPTED** as the opinion of this Court.

Accordingly, the motions to dismiss filed on behalf of the City of Mobile (Doc. 19) and Sergeant Melvin Jones (Doc. 13) **ARE GRANTED IN THEIR ENTIRETY**. The motion to dismiss filed on behalf of Officer Daniel McCarthy and Corporal Lorenzo Matthews (Doc. 17) is also **GRANTED**.

The Court declines to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Davis' state law claims against McCarthy and Matthews. Therefore, those claims are **DISMISSED without prejudice**. *See, e.g., Ingram v. Sch. Bd. of Miami-Dade County*, 167 Fed. Appx. 107, 109 (11th Cir. 2006) (per curiam) (“When a court decides not to exercise supplemental jurisdiction under § 1367(c)(3) because only state claims remain, the proper action is a dismissal without prejudice so that the complaining party may pursue the claim in state

court.”) (citing *Crosby v. Paulk*, 187 F.3d 1339, 1352 (11th Cir. 1999) (“If he decides to dismiss these state-law claims, then they should be dismissed without prejudice so that the claims may be refiled in the appropriate state court.”). Mr. Davis may pursue the state law claims asserted against McCarthy and Matthews, if he so chooses, in state court.

**DONE** this the 7th day of October 2015.

s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**