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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Donna L. Stypeck,

10 Plaintiff,

11 v.

12 City of Clarkdale, et al.,

13 Defendants.
14

No. CV-15-08163-PCT-DGC

ORDER

15 The Court has dismissed all Defendants against whom Plaintiff asserted claims
16 under 42 U.S.C. §§ 1983 and 1985. Plaintiff confirmed during a hearing on November 9,
17 2016, that the only claims remaining in this case are the assault and intentional infliction
18 of emotional distress claims against Defendant Calvert.

19 With Plaintiff's federal claims eliminated, the basis for this Court's federal
20 question jurisdiction no longer exists. Under the relevant statute, 28 U.S.C. § 1367(c)(3),
21 a district court may decline to exercise supplemental jurisdiction if "the district court has
22 dismissed all claims over which it has original jurisdiction." The Supreme Court has
23 instructed that "if the federal claims are dismissed before trial . . . the state claims should
24 be dismissed as well." *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n. 7 (1988)
25 (quoting *United Mine Workers of America v. Gibbs*, 383 U.S. 715, 726 (1966)). While
26 not a hard-and-fast rule, that statement has come to mean that "in the usual case in which
27 all federal-law claims are eliminated before trial, the balance of factors . . . will point
28 toward declining to exercise jurisdiction over the remaining state-law claims." *Id.*

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This is such a case. Plaintiff and Defendant Calvert have litigation pending in state court that arises from the same event as this case. In addition, Arizona courts have a greater interest and expertise in resolving Arizona state law claims than this Court. Finally, remand will benefit the federal system by allowing this Court to devote its scarce resources to resolving federal issues.

IT IS ORDERED that the remaining claims in this case are dismissed without prejudice. The Clerk is directed to terminate this action.

Dated this 10th day of November, 2016.



David G. Campbell
United States District Judge