

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UGOCHUKWU E. AKOMA

PLAINTIFF

v.

Case No. 2:08-CV-2136

UNIVERSITY OF ARKANSAS FOR MEDICAL
SCIENCES; UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES AREA HEALTH
EDUCATION CENTERS - AHEC FORT
SMITH; MARK MENGEL; HOSEA LONG;
AUDREY BRADLEY; JUDITH PETREE;
BRENDA MORRIS

DEFENDANTS

O R D E R

Before the Court is Plaintiff's Motion to File an Amended Complaint and Remand (Doc. 11), Defendants' Response (Doc. 13), and Plaintiff's Reply (Doc. 14). Federal Rule of Civil Procedure 15(a)(1) allows a party to amend its pleading once as a matter of course before being served with a responsive pleading. Since Defendants have not filed a responsive pleading, it was unnecessary to seek leave of the Court to amend.

The Court currently has jurisdiction over Plaintiff's original complaint on the basis of federal question jurisdiction, 28 U.S.C. § 1331, and supplemental jurisdiction, 28 U.S.C. § 1367. The amended complaint removes all claims over which this Court has original jurisdiction and renders supplemental jurisdiction the sole basis for subject matter jurisdiction. Considering the dearth of federal issues and the

early stage of the proceedings, state court is the better venue for this case, notwithstanding Defendants' allegations that Plaintiff is forum shopping. Accordingly, the Court declines to exercise supplemental jurisdiction. Without subject matter jurisdiction, remand is appropriate under 28 U.S.C. § 1447(c).

Plaintiff's Motion (Doc. 11) is hereby **GRANTED**. The Clerk's Office is directed to docket Plaintiff's Amended Complaint and Remand to Sebastian County Circuit Court. No costs or fees are awarded.

IT IS SO ORDERED this 30th day of March, 2009.

/s/ Robert T. Dawson
Robert T. Dawson
United States District Judge