

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

CHARLES JAMES GRAPSKI,

Plaintiff,

v.

Case No. 1:11-cv-00276-SPM-GRJ

SADIE DARNEL, as Sheriff of  
Alachua County, Florida,  
BRENDA SPENCER, AND  
LEE JACKSON,

Defendants.

**ORDER DISMISSING PLAINTIFF'S CLAIMS AND REMANDING CASE**

This cause comes before the Court on its own motion. The Court allowed Plaintiff's lawyer to withdraw from this case on March 20, 2012. The Court gave Plaintiff until April 23, 2012, to effect the filing of a notice of appearance by his new lawyer, file a request for more time, or file a written notice confirming his intention to represent himself (doc. 30). Plaintiff was also directed to respond to Defendants' motions to dismiss and counterclaim. Plaintiff failed to comply with the Order. The Court then ordered Plaintiff to show good cause by May 22, 2012. why his claims should not be dismissed for failure to obey a court order and for failure to prosecute. Again, Plaintiff failed to respond. Accordingly, Plaintiff's claims will be dismissed.

Another issue to be addressed is the Court's jurisdiction over the counterclaim. This Court had original jurisdiction over Plaintiff's claims because Defendants were alleged to have violated Plaintiff's federal constitutional rights. Pursuant to 28 U.S.C. § 1367, this Court exercised supplemental jurisdiction over Defendant Brenda Spencer's counterclaim seeking damages pursuant to Florida law for civil assault and battery and/or negligence. Dismissal of Plaintiff's claims eliminates the federal claims in this lawsuit. When a federal claim is dismissed prior to trial, the Court in its discretion may decline to exercise supplemental jurisdiction over the remaining state claims. 28 U.S.C. § 1367(c)(3). The Eleventh Circuit Court of Appeals has "encouraged district courts to dismiss any remaining state claims when, as here, the federal claims have been dismissed prior to trial." Raney v. Allstate Ins. Co., 370 F.3d 1086, 1089 (11th Cir. 2004). The state claims are best resolved by state courts, particularly when the federal claims are eliminated in the early stages of the lawsuit. Baggett v. First Nat'l Bank of Gainesville, 117 F.3d 1342, 1353 (11th Cir. 1997). Accordingly, it is

ORDERED AND ADJUDGED:

1. Plaintiff's claims are dismissed for failure to comply with a court order and failure to prosecute.
2. All pending motions are denied as moot.

3. The Court declines to exercise supplemental jurisdiction over Brenda Spencer's counterclaim, and the case is remanded to the Circuit Court of the Eighth Judicial Circuit, Alachua County, Florida.
4. The clerk shall send a copy of this order to Plaintiff Charles James Grapski, 116 Zacallo Way, Kissimmee, Florida, 34743, by certified mail with return-receipt requested. The clerk shall also email a copy of this order to Plaintiff at [cjgrapski@gmail.com](mailto:cjgrapski@gmail.com).

DONE AND ORDERED this 1st day of June, 2012.

*S/ Stephan P. Mickle*  
Stephan P. Mickle  
Senior United States District Judge