

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
Urbana Division**

**JANE DOE-2, a minor, through her mother)
and next friend, Julie Doe-2, and)
JULIE DOE-2,)**

Plaintiff,)

v.)

**URBANA SCHOOL DISTRICT 116)
BOARD OF DIRECTORS, et al.,)**

Defendants.)

Case No. 08-2169

REPORT AND RECOMMENDATION

On February 4, 2009, Defendant Jon White filed Defendant Jon White’s Motion to Dismiss Second Amended Complaint Due to Dismissal of All Federal Claims (#95). Plaintiffs filed their response (#99) on February 23, 2009. The motion is premised on the fact that all claims against all Defendants have been resolved in some fashion, save for two state law claims remaining against Defendant Jon White. Plaintiff acknowledges this.

It is not disputed that the Court has discretion to retain or dismiss the state claims. In the opinion of the undersigned, there is no reason to retain jurisdiction. The matter is in the early stages of discovery. The Courts of the State of Illinois are a proper forum for resolving state claims. Accordingly, is my recommendation pursuant to authority conferred to me under 28 U.S.C. § 636(b)(1)(B) that Defendant Jon White’s Motion to Dismiss Second Amended Complaint Due to Dismissal of All Federal Claims (#95) be **GRANTED** and the remaining counts of the complaint be dismissed without prejudice to Plaintiffs re filing in state court.

The parties are advised that any objection to this recommendation must be filed in writing with the Clerk within ten (10) working days after being served with a copy of this Report and Recommendation. *See* 28 U.S.C. § 636(b)(1). Failure to object will constitute a waiver of objections on appeal. *Video Views, Inc. v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

ENTER this 27th day of February, 2009.

s/ DAVID G. BERNTHAL
U.S. MAGISTRATE JUDGE