

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

SUSIE DOUGHERTY,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF WAVERLY, JEREMY)
 ANGELO, DAVE SEARCY,)
 JASON DIVJAK,)
)
 Defendants.)

Civil No. 15-3144

OPINION

SUE E. MYERSCOUGH, U.S. District Judge:

Before the Court are the Defendants’ Motion to Dismiss Count V of Plaintiff’s Complaint against Defendants Dave Searcy and Jason Divjak (d/e 5) and the Plaintiff’s Motion to Dismiss Count V of the Complaint as to City of Waverly (d/e 7), Motion to Remand (d/e 8), and Motion to Dismiss Count V of the Complaint as to Jeremy Angelo (d/e 10). In her response to the Defendants’ Motion to Dismiss (d/e 6), the Plaintiff does not contest the dismissal of Count V against Dave Searcy and Jason Divjak. Therefore, the

Motion to Dismiss (d/e 5) is GRANTED. Additionally, pursuant to Federal Rule of Civil Procedure 41, the Plaintiff's Motion to Dismiss Count V of the Complaint as to the City of Waverly (d/e 7) and Motion to Dismiss Count V of the Complaint as to Jeremy Angelo (d/e 10) are GRANTED.

As a result, the Plaintiff has now voluntarily dismissed Count V against all of the Defendants. Count V of the Plaintiff's Complaint was the only claim that gave the Court original jurisdiction over her suit. Without Count V, the Plaintiff only alleges state causes of action, and because all of the parties are Illinois citizens, there is no diversity jurisdiction over the Plaintiff's state claims. Therefore, the Plaintiff's Motion to Remand (d/e 8) is GRANTED. The Clerk is directed to remand this case to the Circuit Court of the Seventh Judicial Circuit in Morgan County, Illinois.

ENTER: June 30, 2015.

s/ Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE