

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

MICHAEL A. JONES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:13-CV-1330 JD
	)	
LAPORTE COUNTY SHERIFF'S	)	
DEPARTMENT, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

This case arises from the allegedly discriminatory termination of Mr. Jones, a former employee of the LaPorte County Sheriff's Department. Mr. Jones filed a complaint, alleging claims under 42 U.S.C. §§ 1981, 1983, and 2000e. [DE 1.] The Defendants filed an answer to the complaint. [DE 7.] The same day, they filed a Motion of Defendants to Dismiss Plaintiff's Complaint, In Part. [DE 8.] The motion seeks to dismiss those claims brought directly under 42 U.S.C. § 1981, arguing that no cause of action exists under that section for claims against those acting under the color of state law. [DE 8 at 2; DE 9 at 2–7.]

Mr. Jones did not respond to the partial motion to dismiss within the time to do so under the Local Rules. N.D. Ind. L.R. 7-1(d)(2)(A) ("A party must file any response brief to a motion within 14 days after the motion is served."). However, Mr. Jones later filed a document titled "Stipulation to Dismiss Claims Under 42 U.S.C. § 1981." [DE 16.] The filing states: "Inasmuch as plaintiff's claims under 42 U.S.C. § 1981 are essentially identical to his claims under 42 U.S.C. § 1983, plaintiff hereby withdraws his claims under 42 U.S.C. § 1981." [*Id.* at 1.] The parties stipulated that "the withdrawal of plaintiff's claims under 42 U.S.C. § 1981 moots Defendants' Motion to Dismiss." [*Id.* at 2.]

Based on Mr. Jones's stated intent to withdraw his claims under section 1981 and the parties' stipulation, the Plaintiff's section 1981 claims are **DISMISSED WITHOUT PREJUDICE**. The Court **DISMISSES AS MOOT** the Motion of Defendants to Dismiss Plaintiff's Complaint, In Part. [DE 8.]

SO ORDERED.

ENTERED: July 24, 2014

/s/ JON E. DEGUILIO  
Judge  
United States District Court