

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**NEWTON MCNEALY,
Plaintiff**

CIVIL ACTION

VERSUS

NO. 14-2181

**DARRYL J. BECNEL, ET AL.,
Defendants**

SECTION: "E" (2)

ORDER

Before the Court is a motion for summary judgment filed by Defendant Saudi Refining, Inc. ("Saudi Refining").¹ Plaintiff Newton McNealy opposes Saudi Refining's motion for summary judgment requesting that Plaintiff's state law claims be dismissed with prejudice.² For the following reasons, Saudi Refining, Inc.'s motion for summary judgment is **DENIED**.

McNealy originally filed this civil action on September 22, 2014, and has been granted leave of court on multiple occasions to amend his complaint.³ On January 18, 2016, Saudi Refining filed its first motion for summary judgment.⁴ On October 17, 2016, the Court issued its Order regarding the then pending dispositive motions filed by the Defendants in this case.⁵ In its October 17, 2016 Order, the Court dismissed all of the Plaintiff's federal claims against Saudi Refining.⁶ The Court deferred on ruling on whether to exercise supplemental subject matter jurisdiction on McNealy's state law claims until after the Court ruled on the other Defendants' motions for summary

¹ R. Doc. 276.

² R. Doc. 313.

³ McNealy's complaints include Record Document 1 (Complaint), Record Document 37 (Amended and Supplemental Complaint), Record Document 60 (Second-Amended Complaint), Record Document 114 (Third-Amended Complaint), and Record Document 260 (Fourth-Amended Complaint).

⁴ R. Doc. 138.

⁵ R. Doc. 237.

⁶ *See id.*

judgment.⁷ On February 7, 2017, pursuant to the Court's Order, Saudi Refining filed its Second Motion for Summary Judgment dismissing Plaintiff's state law claims against it.⁸


As the Court has now ruled on and granted all Defendants' motions for summary judgment with respect to all federal claims against all Defendants, the Court declines to exercise supplemental jurisdiction over the remaining state law claims against Saudi Refining pursuant to Title 28, United States Code, Section 1367(c).⁹ The remaining state law claims against Saudi Refining are dismissed without prejudice pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

Accordingly;

IT IS ORDERED that Defendant Saudi Refining's Motion for Summary Judgment¹⁰ is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's state law claims against Saudi Refining are **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

New Orleans, Louisiana, this 5th day of June, 2017.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

⁷ *Id.* at 38.

⁸ R. Doc. 276.

⁹ *See* R. Docs. 341, 343.

¹⁰ R. Doc. 276.