

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Chambers of
Ellen Lipton Hollander
District Court Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0742

June 30, 2017

MEMORANDUM TO MS. BILLINGS (BY U.S. MAIL) AND COUNSEL (BY CM/ECF)

Susan Billings
1255 Johnson Grove Lane
Crownsville, MD 21032

Re: Neal Sutton v. Susan Billings, et al.
Civil Action No. ELH-16-3364

Dear Ms. Billings and Counsel:

As you know, by Memorandum Opinion (ECF 30) and Order (ECF 31) of May 26, 2017, I granted, in part, the motions to dismiss filed by defendants District of Columbia (ECF 18) and Anne Arundel County (ECF 19). In particular, I granted the motions as to plaintiff's claims in his Amended Complaint (ECF 14) arising under federal law. See ECF 31.

In my Order of May 26, 2017 (ECF 31), I also granted plaintiff leave to file a Second Amended Complaint. *Id.* And, I stated: "In the event plaintiff fails to file a Second Amended Complaint, the Court will dismiss the claims under state law, filed pursuant to the Court's supplemental jurisdiction, and the Clerk will be directed to close this case, without prejudice." *Id.*

On June 29, 2017, plaintiff filed a "Motion for Leave to File Amended Bankruptcy Petition." ECF 34 ("Motion"). In the Motion, counsel states that, upon review of the Amended Complaint and in consideration of other matters, plaintiff and his counsel have determined "that Plaintiff's most direct and most efficient means of complete relief would most likely be through the Bankruptcy Court." *Id.* at 2. Thus, counsel stated that plaintiff intends to "renew his efforts in that court with a comprehensive amendment to his ongoing Chapter 13 case." Further, counsel provided: "Bankruptcy proceedings will most likely obviate the relief sought in the pending federal district court proceeding." *Id.*

I construe plaintiff's Motion as a notice that he does not intend to file a Second Amended Complaint. Should plaintiff wish to amend his bankruptcy petition, he must file the appropriate motion in the bankruptcy court.

In view of the foregoing, the state law claims in the Amended Complaint (ECF 14) are **DISMISSED**, without prejudice, pursuant to the Court's authority under 28 U.S.C. § 1367(c)(3). And, the Clerk is directed to **CLOSE** this case.

Despite the informal nature of this Memorandum, it is an Order of the Court, and the Clerk is directed to docket it as such.

/s/
Ellen Lipton Hollander
United States District Judge