

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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EUGENE GUILBAULT,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	15-11733-FDS
)	
THE ESTATE OF GREGORY)	
JASINSKAS,)	
JOSEPH CORBETT,)	
CHARLES GUILBAULT,)	
MASSACHUSETTS STATE POLICE,)	
and TOWN OF AVON,)	
)	
Defendants.)	
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ORDER

SAYLOR, J.

This is a civil rights action arising out of an incident in which two Massachusetts State Police Officers fired at plaintiff Eugene Guilbault’s vehicle, striking him in the leg. The amended complaint alleges three causes of action: a claim under 42 U.S.C. § 1983 for excessive force in violation of the Fourth Amendment (Count One); a claim for common-law battery (Count Two); and a § 1983 claim for failure to train and supervise (Count Three).

On September 16, 2015, this Court entered an order (Docket No. 27) dismissing Counts One and Three against all defendants, and dismissing Count Two against the Estate of Gregory Jasinskas. The sole remaining claim is the Massachusetts common-law battery claim against defendant Joseph Corbett in Count Two.

If a “district court has dismissed all claims over which it has original jurisdiction,” it “may decline to exercise supplemental jurisdiction” 28 U.S.C. § 1367. “It has consistently

been recognized that [supplemental] jurisdiction is a doctrine of discretion, not of plaintiff's right." *United Mine Workers of America v. Gibbs*, 383 U.S. 715, 726 (1966). "Certainly, if the federal claims are dismissed before trial, even though not insubstantial in a jurisdictional sense, the state claims should be dismissed as well." *Id.* Because the federal claims have been dismissed, the Court will decline to exercise its supplemental jurisdiction the remaining state claim. Therefore, Eugene Guilbault's claims arising under Massachusetts law will be dismissed without prejudice.

Accordingly, this case is hereby DISMISSED.

So Ordered.

Dated: September 17, 2015

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge