

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK THORNS, SR., individually
and as Next Friend to Patrick B. Thorns, Jr.,
and Edward L. Scott, minors,

Plaintiffs,

Case No. 06-10674

v.

Hon. John Corbett O'Meara

MADISON DISTRICT PUBLIC
SCHOOLS, *et al.*,

Defendants,
_____ /

ORDER OF PARTIAL DISMISSAL

On February 16, 2006, Plaintiffs filed a complaint alleging as follows: Count I, 42 U.S.C. § 1983, violation of due process rights; Count II, 42 U.S.C. § 1983, deprivation of equal protection; Count III, violation of Title VII of the Civil Rights Act of 1964; and Count IV, violation of the Michigan Elliott-Larsen Civil Rights Act. Plaintiffs do not allege that diversity jurisdiction exists. Although Counts I, II, and III are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiffs' state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Count IV of Plaintiffs' Complaint is
DISMISSED.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: February 24, 2006