Robinson v. Caruso et al Doc. 11

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

HEATHER ROBINSON.	HEA	NTH	ER	RO	ΒI	NS	ON.
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Plaintiff,

v. Case No. 08-14069
Hon. Lawrence P. Zatkoff
PATRICIA CARUSO et al.,

Defendants.

ORDER TO DISMISS IN PART

Plaintiff filed her complaint on September 22, 2008. The Court liberally construes Plaintiff's complaint to contain the following counts:

Count I Violation of 42 U.S.C. § 1983

Count II Violation of 42 U.S.C. § 1983 and medical malpractice under Mich. Comp. Laws. § 600.2912

Count III Violation of 42 U.S.C. § 1985

Count IV Violation of 42 U.S.C. § 1985, 1986

Count V Violation of 42 U.S.C. § 1983

The Court has subject-matter jurisdiction over Count I, the § 1983 violation in Count II, and Counts III-V because they arise under federal law. 28 U.S.C. § 1331. The medical malpractice claim in Count II, however, is based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claim

in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state

claim for relief will result in the undue confusion of the jury. See id.; see also Padilla v. City of

Saginaw, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state-law claim (medical malpractice in

Count II) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's

federal claims (Count I, § 1983 violation in Count II, and Counts III-V).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: November 25, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 25, 2008.

s/Marie E. Verlinde

Case Manager (810) 984-3290