

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THOMAS D'ANGELO,

Plaintiff,

v.

Case No. 10-12195

Hon. Lawrence P. Zatkoff

TOWNSHIP OF CLINTON,
NICHOLAS DYKAS,
JASON FIGURSKI,
KEITH WATSON, and
PAUL PARENT,

Defendants.

ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS

Defendants filed their notice of removal to this Court on June 3, 2010, alleging federal subject-matter jurisdiction on the basis of a federal question. Plaintiff's complaint, filed in the Macomb County Circuit Court, alleges the following counts:

- Count I False Arrest and False Imprisonment
- Count II Malicious Prosecution
- Count III Intentional Infliction of Emotional Distress
- Count IV Violation of 42 U.S.C. § 1983

A civil action brought in a state court, of which the federal district courts have original subject-matter jurisdiction, may be removed by the defendant or defendants to a federal district court. 28 U.S.C. § 1441(a). Federal district courts have original subject-matter jurisdiction over cases arising under federal law. 28 U.S.C. § 1331. The Court has subject-matter jurisdiction over Count IV because it arises under federal law. 28 U.S.C. § 1331. Counts I-III, however, are based

on state law. Although the Court may exercise 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 claims in this matter. The Court finds that Plaintiff’s state-law claims raise novel and complex issues of state law that would be more appropriately adjudicated by the state court. *See id.* § 1367(c)(1).

Accordingly, IT IS ORDERED that Plaintiff’s state-law claims (Counts I-III) are hereby REMANDED to the Macomb County Circuit Court. The Court retains jurisdiction over Plaintiff’s federal claim (Count IV).

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: June 28, 2010

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 June 28, 2010.

S/Marie E. Verlinde
Case Manager
(810) 984-3290