

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Kyle Greenlaw,

Plaintiff,

No. 10-13176

v.

Hon. Nancy G. Edmunds

The City of Detroit, a municipal corporation,
and Detroit Officer Thomas Enrique Jackson,

Defendants.

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ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS
TO WAYNE COUNTY CIRCUIT COURT

Plaintiff Kyle Greenlaw filed suit against Defendants, The City of Detroit, a municipal corporation, and Detroit Officer Thomas Enrique Jackson, in this Court on August 11, 2010.

While Plaintiff's complaint does allege violations of 42 U.S.C. § 1983, and the United States Constitution, Plaintiff's complaint also presents claims based on state law. Since the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the latter claims 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). Thus, pursuant to 28 U.S.C. § 1367(c), all of Plaintiff's claims based on state law, including, but not limited to, Motor Vehicle Exception to governmental immunity and gross negligence against defendant driver (Count I and Count II), assault and battery (Count III), and PIP benefits against the City

of Detroit (Count V) are hereby REMANDED TO WAYNE COUNTY CIRCUIT COURT.

This Court will retain jurisdiction over Plaintiff's federal claims only.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 26, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 26, 2010, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager