

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES LEWIS and
HENRY LEWIS,

Plaintiff,

Case No. 06-10528

v.

Hon. John Corbett O'Meara

JOHN FOOTE,

Defendant,

ORDER OF PARTIAL DISMISSAL

On February 7, 2006, Plaintiffs filed a two-count complaint alleging violations of the Fair Housing Act (Count I) and the Michigan Persons with Disabilities Civil Rights Act (Count II). Plaintiffs do not allege that diversity jurisdiction exists. Although Count I is 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 II of Plaintiffs' Complaint is DISMISSED.

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

Dated: February 24, 2006