

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEVIN PLUMMER,

Plaintiff,

v.

Case No. 08-13280

Hon. John Corbett O'Meara

AARON SHEWSBURY, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On July 30, 2008, Plaintiff filed a complaint setting forth the following counts: Count I, false arrest/imprisonment; Count II, intentional infliction of emotional distress; Count III, gross negligence; Count IV, violations of 42 U.S.C. § 1983; Count VIII, municipal liability under § 1983; and Count IX, slander per se.¹ The case was reassigned to this court on September 19, 2008.

Although alleged violations of 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. Since the parties to this matter are not diverse, 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).

¹ The complaint does not contain counts labeled V, VI, or VII.

Accordingly, it is hereby **ORDERED** that Counts I, II, III, and IX of Plaintiff's complaint are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: September 26, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 26, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager