

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK DEVLIN

Plaintiff,

v.

Case No. 08-13421

RICHARD S. KALM, FREDERICK J.
CLELAND, ERIC T. BUSH, DALE E.
BEACHNAU, MICHAEL DAVIS,
DOMINICK P. ALGANA, and JANET M.
McCLELLAND, jointly and severally,

Honorable John Corbett O'Meara

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff filed a three-count complaint in this court on August 7, 2008, alleging the following: in Count I, violations of his First and Fourteenth Amendment freedom of speech rights; in Count II, violation of Michigan's Elliott Larsen Civil Rights Act, pursuant to M.C.L. § 37.2101 et seq.; and in Count III, violation of Plaintiff's 14th Amendment procedural due process rights as outlined by Loudermill v. Cleveland Board of Education, 40 U.S. 532 (1985).

While the claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. §§ 1331, 1337, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claim. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c).

Accordingly, it is hereby **ORDERED** that Count II is **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: September 5, 2008

I hereby certify that a copy of the foregoing document was served upon plaintiff on this date, September 5, 2008, by ordinary mail.

s/William Barkholz

Case Manager