

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACQUELINE TURNER, and
DELAWARENCE TURNER, by his
Next Friend DARLENE TURNER,

Plaintiffs,

Case No. 09-10092

v.

Hon. John Corbett O'Meara

EAST DETROIT PUBLIC SCHOOLS,

Defendant.

ORDER OF PARTIAL DISMISSAL

On January 8, 2009, Plaintiffs filed a complaint alleging violations of Title VI of the Civil Rights Act of 1964 and the Elliott-Larsen Civil Rights Act. Plaintiffs do not allege that diversity jurisdiction exists. Although Plaintiffs' federal cause of action 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 Two of Plaintiffs' complaint is DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: February 2, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 2, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager