UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

RHINO@HARMONY PARK, L.L.C; MARK HAUSNER; JEFF EMERY; and DONALD BAER,

Case No. 09-11921

Plaintiffs.

Honorable John Corbett O'Meara

v.

DETROIT ECONOMIC GROWTH CORPORATION et al.,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiffs filed a five-count complaint against Defendants, alleging the following causes of action: Count I, violations 42 U.S.C. §§ 1981 and 1982; Count II, violations of 42 U.S.C. § 1983; Count III, malicious prosecution; Count IV, breach of contract; and Count V, tortious interference.

While claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, 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 claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). Accordingly, it is hereby **ORDERED** that Counts III, IV and V are **DISMISSED**.

s/John Corbett O'MearaUnited States District Judge

Date: August 5, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 5, 2009, by electronic and/or ordinary mail.

s/William Barkholz Case Manager