

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACQUELINE KENDALL,

Plaintiff,

v.

HOWARD SHOCK, *et al.*,

Defendants.

Case No. 10-11088

Hon. John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

On March 17, 2010, Plaintiff Jacqueline Kendall filed a complaint alleging four counts: Count I, violations of the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution; Count II, assault; Count III, gross negligence; and Count IV, false arrest/imprisonment. Although alleged constitutional violations brought pursuant to 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. Because 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).

Therefore, IT IS HEREBY ORDERED that Plaintiff's state law claims are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: March 25, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 25, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager