UNITED STATE DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

RECHETTA SPENCER,	
Plaintiff,	Case No. 10-14870
	Honorable John Corbett O'Meara
v.	
CITY OF DETROIT and SGT. HARRIS,	
Defendants.	/

ORDER OF PARTIAL DISMISSAL

Plaintiff filed this action against the City of Detroit and Sergeant Harris, alleging the following causes of action: Count I, violation of Fourth and Fourteenth Amendment rights, under 42 U.S.C. § 1983; Count II, assault and battery; Count III, intentional infliction of emotional distress; Count IV, gross negligence; and Count V, false imprisonment/arrest.

Count I gives rise to federal question jurisdiction under 28 U.S.C. § 1331. The remainder of Plaintiff's Complaint alleges causes of action based solely on state law. In order to avoid jury confusion, the court will decline to exercise supplemental jurisdiction over the state law claims. *See* 28 U.S.C. § 1367(c); *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); and *Padilla v. City of Saginaw*, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Counts II, III, IV, and V are **DISMISSED**.

Date: February 3, 2011	s/John Corbett O'Meara United States District Judge
I hereby certify that a copy of this order was February 3, 2011, using the ECF system.	as served upon counsel of record on this date,
	s/William Barkholz
	Case Manager