

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES LUNDY,

Plaintiff,

v.

CITY OF PONTIAC, *et. al.*,

Defendants.

Case No. 12-10965

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Charles Lundy filed a 12-count complaint in this court alleging seven causes of action arising under 42 U.S.C. § 1983 and the United States Constitution. An additional five causes of action allege state law claims: Count VII, malicious prosecution; Count VIII, assault and battery; Count IX, false arrest and/or false imprisonment; Count X, intentional infliction of emotional distress; and Count XI, gross negligence.

Although Plaintiff's causes of action arising under federal statutes are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based solely on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in order to avoid jury confusion. 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 VII, VIII, IX, X, and XI are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: June 7, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 7, 2012, using the ECF system.

s/William Barkholz

Case Manager