

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMY L. PLUMB,

Plaintiff,

Case No. 13-10529

v.

Hon. John Corbett O'Meara

CITIZENS BANK, INC.;
CITIZENS BANK, MORTGAGE CORPORATION;
CHASE MORTGAGE COMPANY;
CITIZENS BANK MORTGAGE COMPANY, L.L.C;
CITIMORTGAGE, INC.;
THE FEDERAL NATIONAL MORTGAGE ASSOCIATION;
and ORLANS & ASSOCIATES, P.C.

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff Amy L. Plumb filed a four-count complaint in this matter alleging the following causes of action: Count I, violation of the Fair Debt Collection Practices Act, 15. U.S.C. § 1692; Count II, fraudulent/illegal/improper foreclosure and sheriff's sale under Mich. Comp. Laws § 600.3204; Count III, fraudulent transfer of second mortgage and note as to Defendants Citizens Bank, Inc., Citizens Bank Mortgage Company, L.L.C., and The Federal National Mortgage Association; and Count IV, fraud in the inducement of mortgage payments under Mich. Comp. Laws § 600.3205.

Although Plaintiff's cause of action arising under a federal statute is 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).

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

Date: April 19, 2013

s/John Corbett O'Meara
United States District Judge

I hereby certify that on April 19, 2013 a copy of this order was served upon counsel of record using the ECF system.

s/William Barkholz
Case Manager