

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROY RUSHA,

Plaintiff,

v.

ADAM EDELMAN, M.D., *et al.*,

Defendants.

Case No. 13-12622

Hon. John Corbett O'Meara

ORDER OF PARTIAL REMAND

On June 17, 2013, Defendants filed a notice of removal in this action, based upon federal question jurisdiction. Plaintiff's complaint contains the following causes of action: Count I, violation of 42 U.S.C. § 1983; Count II, negligence/medical negligence; and Count III, intentional and/or negligent infliction of emotional distress.

Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion and because the state claims predominate. 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).

Accordingly, IT IS HEREBY ORDERED that Counts II and III of Plaintiff's complaint are REMANDED to Wayne County Circuit Court.

s/John Corbett O'Meara
United States District Judge

Date: July 3, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 3, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager