

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KELDRIC McDANIEL,

Plaintiff,

v.

THE HAYMAN COMPANY, *et. al.*,

Defendants.

Case No. 13-12711

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Keldric McDaniel filed a three-count complaint in this court alleging violations of Title VII of the Civil Rights Act of 1964 in Count I and violations of Michigan's Elliott-Larsen Civil Rights Act in Counts II and III.

Although Plaintiff's cause of action arising under federal law is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations of the complaint are based solely on state law. The parties to this action are not diverse. 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 and III are **DISMISSED WITHOUT PREJUDICE**.

s/John Corbett O'Meara
United States District Judge

Date: October 2, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, October 2, 2013, using the ECF system.

s/William Barkholz

Case Manager