

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUNSET AUSTIN WELLS,

Plaintiff,

Case No. 16-13751

v.

Honorable John Corbett O'Meara

DEPARTMENT OF HEALTH AND
HUMAN SERVICES OF WAYNE
COUNTY, INKSTER, MICHIGAN; and
STATE OF MICHIGAN,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff Sunset Austin Wells filed a seven-count complaint in this court, alleging violations of the following statutes: Count I, the Family Medical Leave Act; Count II, ERISA; Count III, the Americans with Disabilities Act; Count IV, Title VII of the Civil Rights Act; Count V, Michigan's Workers' Disability Compensation Act; Count VI, Michigan's Persons with Disabilities Act; and Count VII, the Elliott-Larsen Civil Rights Act.

Although the first four counts are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Counts V, VI and VII are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to

exercise supplemental jurisdiction over Plaintiff's state law claims to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 282 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts V, VI and VII are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: November 15, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, November 15, 2016, using the ECF system.

s/William Barkholz
Case Manager