

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHERRY L. VANNORTWICK, as  
Personal Representative of the Estate of  
Claude Stevens, deceased,

Plaintiff,

Case No. 17-12507

v.

Honorable John Corbett O'Meara

ANTHONY H. STEWERT, *et. al.*,

Defendants.

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**ORDER OF PARTIAL DISMISSAL**

Plaintiff Sherry Vannortwick, as the personal representative of the estate of Claude Stevens, recently filed a seven-count amended complaint in this court, alleging violations of 42 U.S.C. § 1983, as well as wrongful death pursuant to Mich. Comp. Laws Ann. § 600.2922, and breach of contract.

Although the five § 1983 counts arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Count VI for wrongful death and Count VII for breach of contract 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 VI and VII are **DISMISSED WITHOUT PREJUDICE**.

s/John Corbett O'Meara  
United States District Judge

Date: September 19, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 19, 2017, using the ECF system.

s/William Barkholz  
Case Manager