

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PRINCESS ODILIA and LAWRENCE
HARVEY,

Plaintiffs,

Case No. 17-13627

v.

Honorable John Corbett O'Meara

DEUTSCHE BANK, *et. al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiffs recently filed a three-count, *pro se* complaint in this court alleging the following causes of action: Count I, violations of the Fair Debt Collection Practices Act; Count II, intentional infliction of emotional distress; and Count III, violations of the 14th Amendment of the U.S. Constitution.

Although Counts I and III allege causes of action arising under federal law, Count II is a state law claim. Despite Plaintiffs' assertion to the contrary, the parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiffs' state law claim 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 Count II, alleging intentional infliction of emotional distress, is **DISMISSED WITHOUT PREJUDICE**.

s/John Corbett O'Meara
United States District Judge

Date: December 13, 2017

I hereby certify that a copy of the foregoing document was served upon Plaintiffs on this date, December 13, 2017, using first-class U.S. mail.

s/William Barkholz
Case Manager