

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Linda Raino,

Plaintiff,

v.

Case No. 17-cv-2341 (JNE/DTS)
ORDER

Target Corporation,

Defendant.

This is a pro se action brought by Linda Raino against Target Corporation. Raino claimed that Target did not hire her after it learned she had a criminal record. She asserted claims against Target under Title VII of the Civil Rights Act of 1964 and Minnesota's "ban the box" law, Minn. Stat. § 364.021. In a Report and Recommendation dated July 11, 2017, the magistrate judge recommended that Raino's application to proceed in forma pauperis be denied, that her Title VII claim be dismissed with prejudice for failure to state a claim on which relief may be granted, and that her state-law claim be dismissed without prejudice for lack of subject-matter jurisdiction. No objection to the Report and Recommendation has been received.

As to Raino's application to proceed in forma pauperis and Title VII claim, the Court accepts the recommended disposition. As to her state-law claim, the Court declines to exercise supplemental jurisdiction over it and dismisses it without prejudice. *See* 28 U.S.C. § 1367(c)(3) (2012); *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639 (2009) ("With respect to supplemental jurisdiction in particular, a federal court has subject-matter jurisdiction over specified state-law claims, which it may (or may not)

choose to exercise. A district court's decision whether to exercise that jurisdiction after dismissing every claim over which it had original jurisdiction is purely discretionary." (citation omitted); *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006) ("[W]hen a court grants a motion to dismiss for failure to state a federal claim, the court generally retains discretion to exercise supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over pendent state-law claims."). Therefore, IT IS ORDERED THAT:

1. Raino's application to proceed in forma pauperis [Docket No. 2] is DENIED.
2. Raino's Title VII claim is DISMISSED WITH PREJUDICE.
3. Raino's state-law claim is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 8, 2017

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge