

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UGONWA AZIKE,**

**Plaintiff,**

**v.**

**VANGUARD CONSULTING, INC.,  
d/b/a CAR NATION,**

**Defendants.**

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**CASE NO. 8:09CV37**

**MEMORANDUM,  
REMAND ORDER, AND FINAL  
JUDGMENT**

This matter is before the Court on the Plaintiff's oral motions to dismiss her federal claims and remand this action to the District Court of Douglas County, Nebraska. Appearing in chambers, Plaintiff's counsel moved to dismiss the First Cause of Action in the Second Amended Complaint (Filing No. 51) which asserts claims arising under the Truth in Lending Act, 15 U.S.C. § 1601, *et seq.* Defendant does not oppose the motion. The Court finds the motion should be granted under Federal Rule of Civil Procedure 41(a)(2). Therefore, Plaintiff's first cause of action is dismissed. Because Plaintiff's oral motion did not indicate otherwise, the dismissal will be without prejudice. *See id.*

Plaintiff's remaining causes of action are governed by Nebraska law. A district court, in its discretion, may decline jurisdiction where "the district court has dismissed all claims over which it has original jurisdiction." 28 U.S.C. § 1367(c)(2). The district court has further discretion to dismiss or remand a plaintiff's state law claims when the federal claims have been eliminated. *Roeben v. BG Excelsior Ltd. P'ship*, 545 F.3d 639, 644 (8th Cir. 2008). Plaintiff orally moved the Court to remand this action to the District Court of Douglas County, Nebraska. Defendant, through counsel, has indicated it does not oppose

this motion. Therefore, the Court declines jurisdiction over Plaintiff's remaining state law claims and remands this action to the Nebraska state court.

Accordingly,

IT IS ORDERED:

1. The Plaintiff's oral motion to dismiss its First Cause of Action is granted;
2. Plaintiff's First Cause of Action in the Second Amended Complaint (Filing No. 51) is dismissed without prejudice;
3. The Plaintiff's oral motion to remand all remaining claims to the District Court for Douglas County, Nebraska, is granted; and
4. The Clerk of the Court is directed to take all steps necessary to accomplish the remand and to close the case for statistical purposes.

DATED this 16<sup>th</sup> day of February, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge