

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ANDREW ROSS and SUSAN GERARD,

Plaintiffs,

vs.

HECTOR BALDERAS, JR., ROBERT  
GARCIA, SARAH MICHAEL  
SINGLETON, FRANCIS J. MATHEW,  
RAYMOND Z. ORTIZ, DAVID K.  
THOMPSON, JENNIFER ATTREP, T.  
GLENN ELLINGTON, SYLVIA  
LAMAR, DONITA OLYMPIA SENA,  
DONNA BEVACQUA-YOUNG, PAT  
CASADOS, FRANK SEDILLO,  
WILLIAM PACHECO, ANTONIO  
GUTIERREZ, ANNA MONTOYA,  
JUDAH BEN MONTANO, A. ARROYO,  
E. MONTIJO, MICHELLE PORTILLO,  
STEPHEN T. PACHECO, JANE  
GAGNE, JOYCE BUSTOS, LYNN  
PICKARD, PAMELA REYNOLDS,  
ROBIN MARTINEZ, ROBERT  
RICHARDS, BRENDA WALL,  
AUDREY MONTOYA, and ALLSTATE  
INSURANCE, INC.,

Defendants.

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PAMELA REYNOLDS and ROBERT  
RICHARDS,

Counter-Claimants,

vs.

No. 1:16-cv-01121 PJK/SMV

ANDREW ROSS and SUSAN GERARD,  
Counter-Defendants.

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ORDER DISMISSING COUNTERCLAIM WITHOUT PREJUDICE

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THIS MATTER came on for consideration sua sponte, and the court, having dismissed the Plaintiffs' federal claims, declines to exercise supplemental jurisdiction over Defendant Richards' state-law counterclaim for harassment. Doc. 45 at 2; see 28 U.S.C. § 1367(c)(3); Exum v. U.S. Olympic Comm., 389 F.3d 1130, 1138 (10th Cir. 2004) (dismissing counterclaims after federal claims dismissed before trial). The counterclaim will be dismissed without prejudice.

NOW, THEREFORE, IT IS ORDERED that Defendant Richards' state-law counterclaim is dismissed without prejudice.

DATED this 18th day of April 2017, at Santa Fe, New Mexico.

  
United States Circuit Judge  
Sitting by Designation

Counsel:

Arash "Asher" Kashanian, Albuquerque, New Mexico, for Plaintiffs.

Robert Richards, Santa Fe, New Mexico, pro se.