

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LOUIS YOURDON,
JAMES R. BELTER,
LEE MAY,
JOSEPH KREMBLAS
ASHANTI LITTLE,
MICHAEL ROTTERMAN,
JAMES BELTER,
TIMOTHY JACKSON,

DECISION AND ORDER
12-CV-123-A

Plaintiffs,

v.

JUDY CURTIS,
MID-ERIE COUNSELING TREATMENT CENTER,
DR. ARVID SAMANT, M.D.,
PAROLE OFFICER BRATEK,
PAROLE OFFICER GARY RALPH,

Defendants.

This action was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On November 9, 2016, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 29) recommending that plaintiffs' motion to remand the case to state court (Dkt. No. 7) be granted.

On November 22, 2016 and on December 22, 2016, defendants Judy Curtis and Mid-Erie Counseling Treatment Center filed objections to the Report and Recommendation. Dkt. Nos. 30 and 32. The matter was deemed submitted.

Pursuant to 28 U.S.C. §636(b)(1), the Court makes *de novo* determination of

the portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the submissions from the parties, the Court adopts Magistrate Judge Foschio's conclusions.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, the Court declines to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367, plaintiff's motion to remand is granted, and the action is remanded to New York State Supreme Court, County of Erie. The Clerk of the Court shall mail a certified copy of this Decision and Order, with a clear reference to Supreme Court, County of Erie, Index No. 2012-000110, to the clerk of the state court. The Clerk of Court is directed also to transfer the file to the Supreme Court, Erie County, and to then take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 21, 2017