

recognize a petition for writ of mandamus claim as an independent cause of action.⁵ The appellate court remanded the case to this Court to consider whether to exercise supplemental jurisdiction over the petition for writ of mandamus claim.⁶

This Court can exercise supplemental jurisdiction over the petition for writ of mandamus claim under [28 U.S.C. § 1367\(a\)](#) as part of the same case or controversy as the original action. But [§ 1367\(c\)](#) gives the district court discretion to decline supplemental jurisdiction over a claim where “the district court has dismissed all claims over which it has original jurisdiction” and the state law claim is complex. In exercising its discretion, courts consider factors such as judicial economy, convenience, fairness, comity, and the desire to avoid needlessly deciding state law issues.⁷

After considering these factors, the Court declines to exercise supplemental jurisdiction. The state courts are best suited to decide whether Defendants, under state law, should be ordered to promote Plaintiff to lieutenant.

Therefore, the Court **DISMISSES** Plaintiff’s claim for a petition for writ of mandamus.

IT IS SO ORDERED

Dated: January 16, 2018

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁵ Id. at 4.

⁶ Id. at 4-5.

⁷ See [City of Chicago v. Int'l Coll. of Surgeons, 522 U.S. 156, 173-74 \(1997\)](#).