

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**JOHNNY L. MIXON, III,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **COWBOYS OKC, INC., d/b/a** )  
 **“CLU RODEO,” an Oklahoma** )  
 **Corporation, et al.,** )  
 )  
 **Defendants.** )

**Case No. CIV-12-199-R**

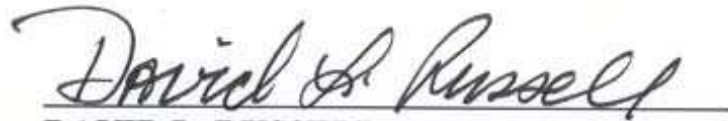
**ORDER**

Before the Court is the motion of Defendants Curtis Condrey, Kevin Moses, D. Ross and Joshua Keith to dismiss Plaintiff’s second amended petition. Doc. No. 28. Plaintiff has responded to the motion. Doc. No. 32. For the reasons set forth in this Court’s Order of June 1, 2012 [Doc. No. 31], Defendants’ motion to dismiss Plaintiff’s claims under 42 U.S.C. § 1983 and 42 U.S.C. § 1985(3) is GRANTED. At the relevant times alleged in Plaintiff’s second amended petition, Defendants were not state actors. Plaintiff disclaims any intent to pursue an assault and battery claim. The only other claim against the moving Defendants is a purported negligence claim. Pursuant to 28 U.S.C. § 1367(c)(3), the Court declines to exercise supplemental jurisdiction over that state law claim, the Court having dismissed all claims over which it had original jurisdiction. Accordingly, that claim against these Defendants is REMANDED to the District Court of Oklahoma County, State of Oklahoma.

In accordance with the foregoing, Defendants’ motion to dismiss [Doc. No. 28] Plaintiff’s federal law claims is GRANTED. The Court declines to exercise jurisdiction over

Plaintiff's state law negligence claim against Defendants Condrey, Moses, Ros and Keith and  
REMANDS that claim to the District Court of Oklahoma County, State of Oklahoma.

IT IS SO ORDERED this 6<sup>th</sup> day of June, 2012.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE