

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

Dwayne Thompson, individually, and on behalf of his minor daughter “RMT” and Pamela McDeavitt,

Plaintiffs,

V.

Kathryn M. Hens-Greco; Kimberly Berkeley Clark, Krista Abram; Shane Mock; Jonathan Voelker; Pernille Frankmar; Voelker & Colton, LLC; Lauren Darbouze; Reserve Township Police; Brian Tully; Fred Boory Jr; Pittsburgh Municipal Court; Barbara Clements; Allegheny County; Patrick Quinn; Christopher Connors; Geraldine M. Redic; Claire Capristo; Allegheny County Sheriff's Department; Anthony Fratto; Holly Zemba; Allegheny County Department of Court Records; Allegheny County Office of Children and Youth Services; Bruce Noel; Brynn Alpee; McKeesport Area School District; Fifth Judicial District; and John and Jane Does, 1-10,

Defendants.

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Electronic Filing

District Judge Cercone

Magistrate Judge Lenihan

ECF Nos. 77, 136

MEMORANDUM ORDER

AND NOW, this 20th day of February, 2018, the court having entered opinions and orders dismissing all claims against all defendants save Krista Abram and Shane Mock and it being readily apparent from those dispositions and the record that plaintiffs' constitutional rights were not violated by the defendants' collective conduct underlying the averments of the Third Amended Complaint, IT IS ORDERED that judgment in form of dismissal of the all remaining federal claims be, and the same hereby is, entered; and

IT FURTHER IS ORDERED that the court declines to exercise supplemental jurisdiction over any remaining state law claims pursuant to 28 U.S.C. § 1367(c). Accordingly, final judgment pursuant to Rule 58 will be entered in favor of all defendants and against plaintiffs.

The record lacks any basis to assume or infer that defendants Krista Abram and/or Shane Mock acted under color of state law or entered into a conspiracy with any of the defendants who did perform functions under color of state law. Consequently, while Krista Abram and/or Shane Mock may have gamed the system as plaintiffs have alleged, the record as now developed does not present a colorable basis to advance a claim that they did so in violation of 42 U.S.C. §§ 1983, 1985 or 1986. Consequently, the court cannot proceed further on the federal claims against these defendants or render any award on such claims.

Moreover, any remaining claim under state law is a matter that is committed in the first instance to the family/domestic relations division of the Court of Common Pleas of Allegheny County. Of course, its handling of the domestic relations matters between plaintiff Dwayne Thompson and Krista Abram with regard to RMT is equitable and subject to modification. Consequently, the court will decline to exercise jurisdiction over any remaining state law claims in order to assure that plaintiff Dwayne Thompson continues to have appropriate recourse available in the ongoing domestic matters involving RMT.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Dwayne Thompson
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(Via First Class Mail)

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