
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JESSIKA MCCUNE et al.,

Plaintiffs,

v.

WASHINGTON COUNTY et al.,

Defendants.

**MEMORANDUM DECISION &
DISMISSAL ORDER**

Case No. 2:15-CV-317-DB

District Judge Dee Benson

Plaintiffs filed a civil complaint in Utah's Fifth Judicial District Court. Defendants successfully removed his case to this Court. Plaintiffs now move the Court to dismiss all their claims under the Federal Constitution, then remand their case--and its remaining state-law claims--to the state district court.

Federal Rule of Civil Procedure 41(a)(2) allows the Court to dismiss claims "at the plaintiff's request." The Court has carefully reviewed Plaintiff's motion and other materials on the docket, including Defendants' opposition motion. Defendants ask the Court to require Plaintiffs to litigate claims they would as soon abandon for now.

Good cause appearing, **IT IS HEREBY ORDERED** that Plaintiffs' motion to dismiss their claims under the Federal Constitution is **GRANTED**. (See Docket Entry # 24.) The Court will not force Plaintiffs to further litigate their federal claims.

With no federal issues remaining, the Court declines to exercise supplemental jurisdiction over the remaining state-law claims. *See 28 U.S.C.S. § 1367(c) (2017); Carlsbad Tech., Inc. v HIF Bio, Inc.*, 536 U.S. 635, 849 (2009); *Aguayo v AMCO Ins. Co.*, 59 F. Supp. 3d 1225, 1246

(D.N.M. 2014) (“[D]istrict courts should presume to decline jurisdiction over state claims when federal claims no longer remain.”).

IT IS THEREFORE FURTHER ORDERED that this case is remanded to the state court for any further proceedings.

This case is CLOSED.

DATED this 3rd day of May, 2017.

BY THE COURT:



JUDGE DEE BENSON
United States District Court