

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUKE WAID, *et al.*,

Plaintiffs,

Case No. 16-10444

v.

Hon. John Corbett O'Meara

GOVERNOR RICHARD DALE
SNYDER,

Defendants.

**ORDER GRANTING
MOTIONS TO DISMISS**

Before the court are several motions to dismiss filed by Defendants. Plaintiffs' complaint, which arises from the water contamination in Flint, Michigan, is virtually identical to the one filed in McMillian v. Snyder, Case No. 16-10796, which the court dismissed for lack of subject matter jurisdiction. Consistent with McMillian, the court finds that (1) Plaintiffs' claims under 42 U.S.C. § 1983 are precluded by the Safe Drinking Water Act; (2) Plaintiffs' Safe Drinking Water Act claims are barred by Plaintiffs' failure to provide the required notice under the statute; and (3) given the lack of viable federal claims, it is appropriate for the court to decline to exercise supplemental jurisdiction over Plaintiffs' state law claims. The court incorporates by reference its analysis in

McMillian, No. 16-10796, Docket No. 136 (notice under the SDWA), Mays v. Snyder, No. 15-14002, Docket No. 196 (SDWA preclusion of § 1983 claims), and Boler v. Earley, No. 16-10323, Docket No. 56 (SDWA preclusion of § 1983 claims).

IT IS HEREBY ORDERED that Defendants' motions to dismiss are GRANTED and Plaintiffs' complaint is DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: February 7, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, February 7, 2017, using the ECF system.

s/William Barkholz
Case Manager