

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEN ANDERSON,

Plaintiff,

v.

LASHAWN PEOPLES and
JOHN DOE,
Defendants.

Case No. 10-12183

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff filed this action against two Detroit police officers, LaShawn Peoples and John Doe, in their individual capacities, alleging the following causes of action: Count I, unlawful detention in violation of the Fourth Amendment, under 42 U.S.C. § 1983; Count II, retaliation in violation of the First Amendment, under 42 U.S.C. § 1983; Count III, lack of due process in violation of the Fourteenth Amendment, under 42 U.S.C. § 1983; Count IV, malicious prosecution in violation of the Fourth and Fourteenth Amendments, under 42 U.S.C. § 1983; and Count V, malicious prosecution in violation of Michigan common law and Mich. Comp. Laws Ann. § 600.2907.

Counts I through IV give rise to federal question jurisdiction under 28 U.S.C. § 1331. The remainder of Plaintiff's Complaint alleges a cause of action based solely on state law. In order to avoid jury confusion, the court will decline to exercise supplemental jurisdiction over the state law claim. *See* 28 U.S.C. § 1367(c); *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); and *Padilla v. City of Saginaw*, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Count V is **DISMISSED**.

Date: February 8, 2011
United

s/John Corbett O'Meara
States District Judge

I hereby certify that on February 8, 2011, a copy of this order was served upon counsel of record using the ECF system.

s/W

William Barkholz
Case Manager