

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEE BERRY,
EUGENE BERRY, and
MARY BERRY,

Plaintiffs,

No. 20-12959

v.

Honorable Nancy G. Edmunds

CITY OF DETROIT,
KEITH MARSHALL, and
MARCELLUS BALL,

Defendants.

/

ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS

Plaintiffs Robert Lee Berry, Eugene Berry, and Mary Berry filed this civil rights lawsuit against Defendants City of Detroit, Keith Marshall, and Marcellus Ball in the Wayne County Circuit Court, but the City of Detroit removed the action to this Court. Plaintiffs' complaint alleges violations of the United States Constitution and 42 U.S.C. § 1983. The complaint also brings state law claims of malicious prosecution, false arrest and false imprisonment, and gross negligence.

Since the parties to this matter are non-diverse, this Court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Thus, pursuant to § 1367(c), all of Plaintiffs' state law claims, including the state law claims found in Counts II, III, and IV of their complaint, are hereby REMANDED to the Wayne

County Circuit Court. The Court will retain jurisdiction over Plaintiffs' federal claims only.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: November 25, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 25, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager