

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

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**MATTHEW AUGUST LEFANDE,**

**Plaintiff,**

**v.**

**1:10-CV-1857  
(FJS)**

**CAROLYN ANNE MISCHÉ-HOEGES,**

**Defendant.**

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**APPEARANCES**

**OF COUNSEL**

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**JONATHAN R. MOOK, ESQ.**

**STEPHEN LYBROOK NEAL, JR., ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

At a hearing on October 20, 2011, at which the Court heard oral argument in support of and in opposition to Defendant's motion to dismiss, the Court dismissed all of Plaintiff's federal Constitutional claims, which he brought pursuant to 42 U.S.C. § 1983. The Court reserved decision as to whether it would exercise its supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over

Plaintiff's state-law claims. The following constitutes the Court's decision regarding Defendant's motion to dismiss.

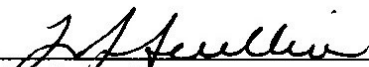
Accordingly, the Court hereby

**ORDERS** that Defendant's motion to dismiss, *see* Dkt. No. 5, is **GRANTED** with respect to all of Plaintiff's federal Constitutional claims brought pursuant to 42 U.S.C. § 1983, for failure to state a claim upon which relief can be granted because Plaintiff has not alleged any facts in his complaint that plausibly suggest that Defendant was acting under color of state law, i.e., performing her official duties, at the time that she engaged in any of the actions about which Plaintiff complains; and the Court further

**ORDERS** that the Court declines to exercise its supplemental jurisdiction over Plaintiff's remaining state-law claims, pursuant to 28 U.S.C. § 1367(c)(3), because the Court has dismissed all of Plaintiff's federal claims. Furthermore, the Court finds that, although this case has been pending before this Court for some time, having balanced all of the relevant factors, including, but not limited to, comity and judicial economy, the Court **DISMISSES without prejudice** Plaintiff's state-law claims.

**IT IS SO ORDERED.**

Dated: October 20, 2016  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge