

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RAUSHAN RICH, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 22-27-RGA
 :
 UNIVERSITY OF DELAWARE, et al., :
 :
 Defendant. :

MEMORANDUM ORDER

Plaintiff filed a four-count complaint, asserting federal jurisdiction because three of the four counts are based on federal law. Defendants moved to dismiss. (D.I. 5). I referred the motion to the Magistrate Judge. The Magistrate Judge entered a report and recommendation recommending dismissal of the three federal claims, with leave to amend, but recommending against dismissal of the state law claim. (D.I. 17). Defendants objected. (D.I. 18; *see also* D.I. 20). Defendants want me to overrule the Magistrate Judge on her analysis of the Delaware Whistleblowers’ Protection Act.

I am not going to review the merits of the Magistrate Judge’s analysis. I may never have to do that, because unless Plaintiff can state a valid federal claim, I will certainly decline supplemental jurisdiction over a state law claim involving an important state interest such as that encompassed by a whistleblower statute. Thus, stating an opinion on the Magistrate Judge’s analysis would be an advisory opinion.

Therefore, this 3rd day of March 2023, IT IS HEREBY ORDERED THAT:

1. The objections (D.I. 18) are DISMISSED as unripe;

2. The Report and Recommendation (D.I. 17) is ADOPTED except as to Count I, about which I express no opinion;

3. The motion to dismiss (D.I. 5) is GRANTED in part and DISMISSED in part;

4. Counts II, III, and IV of the Complaint are DISMISSED without prejudice.

Plaintiff is given leave to amend so long as an amended complaint is filed within three weeks of the date of this Memorandum Order.

/s/ Richard G. Andrews
United States District Judge