

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MICHAEL PAPPALARDO, an individual

Plaintiff,

v.

Case No.: 2:17-cv-346-FtM-38CM

SAMANTHA STEVINS,

Defendant.

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OPINION AND ORDER¹

Before the Court is the Mandate from the United States Court of Appeals for the Federal Circuit ([Doc. 28](#)), which issued on September 17, 2018. On August 10, 2018, the Federal Circuit released its opinion affirming and vacating in part this Court's dismissal without prejudice. [Pappalardo v. Stevins, 746 F. App'x 971, 976 \(Fed. Cir. 2018\)](#). Specifically, the Federal Circuit vacated and instructed this Court to dismiss Count III with prejudice.² *Id.* at 973-74. Regarding Counts I and II, the Federal Circuit affirmed this Court's decision to decline the exercise of supplemental jurisdiction and dismiss those state law claims. *Id.* at 975. In strict accordance with the Federal Circuit's instructions, the Court now enters an order dismissing Count III with prejudice. See, e.g., [Piambino v.](#)

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

² Count III is incorrectly labeled "Count II" in the Amended Complaint. ([Doc. 11 at 7](#)).

Bailey, 757 F.2d 1112, 1119 (11th Cir. 1985) (“A trial court, upon receiving the mandate of an appellate court, may not alter, amend, or examine the mandate, or give any further relief or review, but must enter an order in strict compliance with the mandate.”).


Accordingly, it is now **ORDERED**:

1. Count III is **DISMISSED with prejudice**.
2. The Court declines to exercise supplemental jurisdiction over Counts I and II.

Those claims are **DISMISSED**.

3. The Clerk is **DIRECTED** to enter an amended judgment accordingly, terminate any pending motion and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 25th day of April, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record