

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

WATERBLASTING TECHNOLOGIES,
INC.,

Plaintiff,

v.

Case No: 8:17-cv-1451-T-27MAP

BLASTERS, INC.,

Defendant.

ORDER

BEFORE THE COURT is Defendant Blasters, Inc.'s Motion to Dismiss with Prejudice (Dkt. 20), which Plaintiff opposes (Dkt. 21). Defendant moves to dismiss Plaintiff's amended complaint with prejudice for lack of subject matter jurisdiction. Plaintiff does not oppose dismissal, but rather contends that dismissal is without prejudice. A dismissal without prejudice "is appropriate for jurisdictional decisions." *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1169 (11th Cir. 2014); *see also Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1341 (11th Cir. 2005) ("[I]f the district court actually lacked jurisdiction . . . , the court would have lacked the power to dismiss . . . with prejudice."). Accordingly, the Motion (Dkt. 20) is **GRANTED** to the extent that this case is **DISMISSED without prejudice** for lack of subject matter jurisdiction. The Clerk is directed to **CLOSE** the file.

DONE AND ORDERED this 17th day of November, 2017.


JAMES D. WHITEMORE
United States District Judge

Copies to: Counsel of record