

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DANIEL J. NEWLIN, P.A.,

Plaintiff,

v.

Case No: 6:18-cv-139-Orl-41TBS

**THE ATTORNEY LAW GROUP, INC.
and JUAN RUIZ,**

Defendants.

ORDER

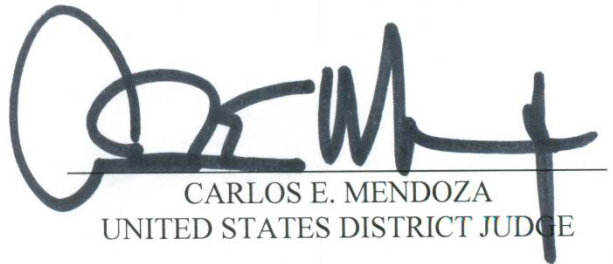
THIS CAUSE is before the Court on United States Magistrate Judge Thomas B. Smith's Report and Recommendation ("R&R," Doc. 7), which recommends that this case be remanded. On January 26, 2018, Defendants removed this case to this Court from the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida. (*See generally* Notice of Removal, Doc. 1). Judge Smith subsequently ordered Defendants to show cause as to why this case should not be remanded for lack of subject matter jurisdiction, (Jan. 29, 2018 Order, Doc. 3, at 3), and Defendants filed a Response (Doc. 6). After reviewing Defendants' Response, Judge Smith issued the R&R, recommending that this case be remanded. (Doc. 7 at 4). Thereafter, Defendants filed a Notice of Withdrawal of Notice of Removal (Doc. 9).¹

¹ The Court notes that Defendants also filed Notice of Voluntary Dismissal ("Notice," Doc. 8) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) only permits the plaintiff to voluntarily dismiss an action, and thus, the Notice is improper. However, the Court declines to take further action with regard to the Notice since, per the Court's directions below, this case is being remanded and closed.

After a *de novo* review of the record, and noting that no objections were timely filed, this Court agrees entirely with the analysis set forth in the R&R. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 7) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. This case is **REMANDED** to the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, Case Number 2018-CA-000011-O.
3. The Clerk is directed close this case.

DONE and **ORDERED** in Orlando, Florida on February 23, 2018.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Clerk of the Court for the Ninth Judicial Circuit in and for Orange County, Florida