

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

FREDDIE TIMMONS and
ANDREW TIMMONS, her husband,

Plaintiffs,

Case No. 3:18-cv-218-J-34PDB

vs.

WAFFLE HOUSE, INC.,

Defendant.

ORDER

This matter is before the Court sua sponte. Upon review of Defendant Waffle House, Inc.'s Notice of Removal (Doc. 1; Notice) and Plaintiffs' Complaint (Doc. 2), it appears that this action was improperly removed to the Jacksonville Division of the United States District Court for the Middle District of Florida. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." See 28 U.S.C. § 1441(a); see also 28 U.S.C. § 1446(a) ("A defendant or defendants desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal . . .").

Here, the Notice of Removal indicates that Plaintiffs, Freddie and Andrew Timmons, filed this case "in the Eighth Judicial Circuit In and For Alachua County, Florida." Notice of Removal ¶ 1; see also Complaint at 1. Alachua County, Florida, is in the Gainesville

Division of the Northern District of Florida. See 28 U.S.C. § 89(a); N.D. Fla. Loc. R. 3.1(A)(4). Thus, it appears Waffle House, Inc. should have removed the case to that Division and District. Accordingly, it is hereby

ORDERED:

On or before **February 26, 2018**, Defendant Waffle House, Inc. is directed to **SHOW CAUSE** why this case should not be transferred to the Gainesville Division of the Northern District of Florida for all future proceedings.

DONE AND ORDERED in Jacksonville, Florida, on February 12, 2018.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record