

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MELVIN BALDUF,

Plaintiff,

v.

Case No: 2:18-cv-504-FtM-39MRM

WAL-MART STORES INC. and
JOHN DOE,

Defendants.

ORDER¹

This matter comes before the Court on Plaintiff's Amended Unopposed Motion to Remand to State Court ([Doc. 11](#)) filed on July 24, 2018. Plaintiff, Melvin Balduf, seeks to amend his Complaint to join Ivette Ramos, a Florida citizen, as a party Defendant. The addition of Ramos would destroy diversity jurisdiction.

Pursuant to [Federal Rule of Civil Procedure 15\(a\)\(2\)](#), the Court "should freely give leave when justice so requires." In this case, Defendant does not oppose the amendment. Thus, the request for leave to amend will be granted. Because Ramos is a non-diverse Defendant, this matter will be remanded for lack of subject matter jurisdiction. See [28 U.S.C. § 1447\(e\)](#) ("[i]f after removal the plaintiffs seeks to join additional defendants

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whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court”).

Accordingly, it is now

ORDERED:

(1) Plaintiff’s Amended Unopposed Motion to Remand to State Court ([Doc. 11](#)) is

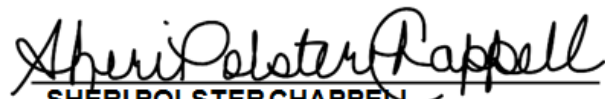
GRANTED.

(2) The Clerk is directed to docket Plaintiff’s Amended Complaint attached as Exhibit D to the Motion to Remand (Doc. 11) as a separate entry in the CM/ECF system. The Clerk shall also add the new defendant Ivette Ramos as a party to this action.

(3) Thereafter, The Clerk is directed to **REMAND** the case to the Circuit Court of the Twentieth Judicial Circuit in and for Hendry County, Florida, and to transmit a certified copy of this Order to the Clerk of that Court.

(4) The Clerk is further **DIRECTED** to terminate all pending motions and deadlines and close the case.

DONE and **ORDERED** in Fort Myers, Florida this 27th day of July, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record