

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

CHRISTOPHER HOLLY,

Plaintiff,

v.

Case No: 5:18-cv-513-Oc-30PRL

WINDSTREAM HOLDINGS, INC.,

Defendant.

ORDER

THIS CAUSE came on for consideration on the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Doc. 4). In the Report and Recommendation, Judge Lammens recommends dismissing this action for lack of subject-matter jurisdiction because Plaintiff never alleged the dispute met the amount in controversy requirements for diversity jurisdiction.

Plaintiff filed an objection to the Report and Recommendation that confirms that this Court lacks jurisdiction. (Doc. 6). In his objection, Plaintiff repeatedly states he is claiming damages of \$75,000. Even if Plaintiff could prove entitlement to that amount, it still would not *exceed* \$75,000, which is the minimum amount required for this Court to exercise diversity jurisdiction. 28 U.S.C. § 1332(a)(1) (“The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs....”). Because Plaintiff does not allege the amount in controversy exceeds \$75,000—nor can he—the Court concludes it lacks subject-matter jurisdiction over this dispute.

So after careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

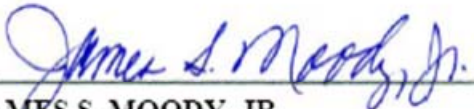
1. The Report and Recommendation (Doc. 4) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

2. This action is DISMISSED WITHOUT PREJUDICE.

3. All pending motions are denied as moot.

4. The Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida, this 5th day of November, 2018.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record