

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

SUPERIOR GROUP OF COMPANIES, INC.,

Plaintiff,

v.

CASE NO. 8:18-cv-1099-T-26TGW

CENTERSTONE LINEN SERVICES, LLC,

Defendant.

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**ORDER**

**UPON DUE AND CAREFUL CONSIDERATION** of the procedural history of this case, together with the parties' submissions, it is **ORDERED AND ADJUDGED** that the Garnishee's Motion to Dissolve Writ of Garnishment (Dkt. 36) is granted. Based on the affidavits and supporting documents filed by the Garnishee at docket 44, the Court determines that it lacks subject matter jurisdiction by virtue of the fact that the accounts subject to Plaintiff's writ of garnishment are located in Buffalo, New York, which is outside the jurisdiction of the State of Florida. See Stansell v. Revolutionary Armed Forces of Colombia (FARC), 149 F. Supp. 3d 1337, 1339 (M.D. Fla. 2015) (concluding that the court "lacks subject matter jurisdiction to garnish any funds in any bank accounts located outside the State of Florida."). Having made that determination, this Court is powerless to act on the merits of Plaintiff's attempt to garnish the out-of-state bank

accounts at issue. See University of South Alabama v. American Tobacco Co., 168 F. 3d 405, 410 (11<sup>th</sup> Cir. 1999) (stating that “once a federal court determines that it is without subject matter jurisdiction, the court is powerless to continue.”); accord Bochesse v. Town of Ponce Inlet, 405 F. 3d 964, 974-75 (11<sup>th</sup> Cir. 2005). Furthermore, subject matter jurisdiction “cannot be waived or otherwise conferred upon the court by the parties.” University of South Alabama, 168 F. 3d at 410.

This does not mean that Plaintiff is without a remedy to seek the garnishment of these accounts. Plaintiff is free to register its final judgment in the United States District Court for the Western District of New York, where those accounts are located, pursuant to 28 U.S.C. § 1963. See Stansell 149 F. Supp. 3d at 1342.

**DONE AND ORDERED** at Tampa, Florida, on September 20, 2018.

s/Richard A. Lazzara  
**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record