

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROBERT LIBBEY,

Plaintiff,

v.

Case No. 8:18-cv-1303-T-33JSS

MICHAEL KOSTERLITZ,

Defendant.

_____ /

ORDER

This matter comes before the Court sua sponte. On June 1, 2018, Michael Kosterlitz removed this action from the Twentieth Judicial Circuit in and for Lee County, Florida on the basis of admiralty jurisdiction. (Doc. # 1). However, 28 U.S.C. § 1441(a) provides: "[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States **for the district and division embracing the place where such action is pending.**" (Emphasis added).

Removal of a Lee County, Florida case to this Court is improper under the aforementioned statute. In the interests of justice, pursuant to 28 U.S.C. § 1406(a), the Court transfers this action to the United States District Court for the Middle District of Florida, Fort Myers Division, as that is the district and division embracing Lee County, Florida.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The Clerk is directed to transfer this case to the United States District Court for the Middle District of Florida, Fort Myers Division.
- (2) After transfer has been effected, the Clerk shall close the case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 3rd day of July, 2018.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE