

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

GINA DIODATO,

Plaintiff,

v.

Case No: 6:24-cv-682-JSS-LHP

SHANNON LUCKY, DONALD
LUCKY and DONALD LUCKY,

Defendants.

_____ /

ORDER

Plaintiff moves to remand this matter to the Circuit Court of the Seventh Judicial Circuit in and for Volusia County, Florida for lack of subject matter jurisdiction. (Motion, Dkt. 7.) Defendant has not responded to the Motion and the time to do so has passed. The court therefore treats the Motion as unopposed pursuant to Middle District of Florida Local Rule 3.01(c). Upon consideration, Plaintiff's Motion is granted.

If at any time before final judgment it appears that a district court lacks subject matter jurisdiction over a case removed from a state court, "the case shall be remanded." 28 U.S.C. 1447(c). Here, Plaintiff argues that the court lacks diversity jurisdiction over this matter because the amount in controversy threshold is not satisfied. (Dkt. 7.) Defendant does not dispute that this court lacks subject matter jurisdiction over this action. *See* M.D. Fla. Loc. R. 3.01(c).

Accordingly, Plaintiff's Motion to Remand (Dkt. 7) is **GRANTED**. This matter is **REMANDED** to the Circuit Court of the Seventh Judicial Circuit in and for Volusia County, Florida pursuant to 28 U.S.C. § 1447(c). The Clerk of Court shall mail a certified copy of this order to the Clerk of Court for the Seventh Judicial Circuit in and for Volusia County, Florida and thereafter **CLOSE** this case.

ORDERED in Orlando, Florida, on May 15, 2024.


JULIE S. SNEED
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record