

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 11-15513  
Non-Argument Calendar  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 23, 2012 JOHN LEY CLERK
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D. C. Docket No. 0:10-cv-62435-JIC

LYNNE M. BALTHAZOR,  
on behalf of herself and all  
others similarly situated,

Plaintiff-Counter  
Defendant-Appellant,

versus

CENTRAL CREDIT SERVICES, INC.,  
SECURITY CREDIT SERVICES, LLC,

Defendants-Counter  
Claimants-Appellees.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Florida  
\_\_\_\_\_

(April 23, 2012)

Before DUBINA, Chief Judge, TJOFLAT and KRAVITCH, Circuit Judges.

PER CURIAM:

The issue presented in this appeal is whether the district court erred in dismissing Lynne Balthazor's ("Balthazor") claim brought under the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, for lack of subject matter jurisdiction.

We review a dismissal order based upon a lack of subject matter jurisdiction *de novo*. *McElmurray v. Consol. Gov't of Augusta-Richmond Cnty.*, 501 F.3d 1244, 1250 (11th Cir. 2007).

Because the appellees confess error in this case due to the fact that the United States Supreme Court in *Mims v. Arrow Fin. Servs., LLC*, \_\_\_ U.S. \_\_\_, 132 S. Ct. 740 (2012), now provides that federal courts have concurrent federal question jurisdiction over private suits arising under the TCPA, we reverse the judgment of dismissal of Balthazor's TCPA claim against Central Credit Services, Inc., and remand this case for further proceedings consistent with this opinion.

**REVERSED and REMANDED.**