

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 11-12179

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D.C. Docket No. 1:11-cv-20414-MGC

ERIKSON HARRISSON,

Plaintiff - Appellee,

versus

NCL (BAHAMAS) LTD.,  
d.b.a. NCL,

Defendant - Appellant.

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

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Before CARNES, BARKETT and HILL, Circuit Judges.

PER CURIAM:

We previously issued an order, published at 691 F.3d 1308, dismissing this appeal for lack of jurisdiction, concluding that the district court's remand to state court for lack of subject matter jurisdiction was barred from appellate review pursuant to 28 U.S.C. § 1447(d). NCL timely filed a petition for rehearing by the panel and for rehearing en banc, which are still pending. Accordingly, the mandate in this case has not yet issued.

The parties recently notified this Court that they have settled their dispute. Based on their settlement, NCL has filed a motion requesting that we dismiss this appeal, dismiss its petition for rehearing and for rehearing en banc, which we construe as a request to withdraw the petition for rehearing, and finally to vacate our order published at 691 F.3d 1308.

Because the parties have settled their dispute, there is no longer a case or controversy and thus the case is moot. Accordingly, we grant NCL's motion to DISMISS the appeal for mootness, DENY the petition for rehearing and rehearing en banc as moot and exercise our discretion and VACATE our prior order published at 691 F.3d 1308.