UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS DIVISION

SECTION 23 PROPERTY OWNER'S ASSOCIATION, INC.,

Plaintiff,

v. Case No.: 2:15-cv-261-SPC-MRM

JANE B. ROBINSON, ALBERT M. ROBINSON,

Defendants.

ORDER¹

Before the Court is Defendant Albert Robinson's Motion for an Order to Mail the Certified Order Through the U.S.P.S. (Doc. 16). He requests that the Court order the Clerk to mail a certified copy of a 2015 remand order (Doc. 9) to the state court clerk. The Court denies the Motion.

Section 23 Property Owners Association, Inc. sued in state court. Robinson removed based on a federal question and diversity. Yet the Complaint lacked federal jurisdiction. Without subject-matter jurisdiction, the Court remanded this action to state court. (Doc. 9). Robinson argues (similarly

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to the argument he made in his separate action: 2:15-cv-261) that this case was never remanded to state court because the Clerk did not mail the remand order to the state court clerk as required by 28 U.S.C. § 1447(c).

Robinson's contention fails. As the docket shows, the Clerk mailed certified copies to the state court on May 12, 2015. Part of Robinson's confusion may be that CM/ECF does not show ministerial events like Clerk's Office mailings on the publicly viewable docket. But the full docket clearly states that a certified copy was mailed to the Clerk of the Circuit Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida. Correspondingly, the state-court docket reflects the receipt of the certified remand order on May 14, 2015.² The Court was divested of jurisdiction by the time the Clerk mailed the certified remand order. *E.g.*, *Shapiro v. Logistec USA*, *Inc.*, 412 F.3d 307, 312 (2d Cir. 2005) ("Section 1447(d) establishes that once a section 1447(c) remand order has been mailed to the state court pursuant to the latter section, federal jurisdiction is at an end.").

Accordingly, it is now

ORDERED:

Defendant Albert Robinson's Motion for an Order to Mail the Certified Order Through the U.S.P.S. (Doc. 16) is **DENIED**.

² The state case is in Charlotte County, and its number is 14-601-CC.

DONE and **ORDERED** in Fort Myers, Florida on September 10, 2021.

SHERI POLSTER CHAPPELL UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record