

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

GLEN PAUL FATEBENA,

Plaintiff,

vs.

CASE NO. 3:13-cv-431-J-99TJC-TEM

HVM, LLC, et al.,

Defendants.

ORDER

This matter is before the Court on a number of Plaintiff's recently filed motions (see Docs. #25, #26, #27). Upon review of the motions, it is hereby **ORDERED**:

1. Plaintiff's Motion to Enter Amended Complaint and Add New Defendants to the Case (Doc. #25) is **GRANTED**. The Clerk is directed to file the proposed amended complaint, which may be found under docket entry 25-1. Upon review of the amended complaint, however, the Court believes Plaintiff is no longer able to proceed in federal court as diversity of citizenship has been destroyed. See 28 U.S.C. § 1332. Plaintiff is reminded that he alleged diversity jurisdiction as his basis for filing suit in this Court (thus, the court would not have jurisdiction if any Florida defendants are named or are required to be joined as party defendants) (see Doc. #24). In an abundance of caution, the Court will provide Plaintiff an opportunity to state why the Court should not dismiss his case for lack of subject matter jurisdiction.

2. Plaintiff's Motion for Service of Process by U.S. Marshals Service (Doc. #26) is **taken under advisement** pending Plaintiff's response to the Court's Order to Show Cause, which shall issue immediately after entry of this Order. If necessary, the Court will address provision of the forms Plaintiff may need to effect service of process in this action

in its ruling on this motion.

3. Plaintiff's Motion to Request Forms for Service of Process U.S. Marshals (Doc. #27) is **DENIED**. If necessary, the Court will address this matter in its ruling on the Motion for Service of Process by U.S. Marshals Service.

DONE AND ORDERED at Jacksonville, Florida this 18th day of October, 2013.



THOMAS E. MORRIS
United States Magistrate Judge

Copies to all counsel of record, and
Mr. Glen Fatebena, *pro se* litigant