

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

DAVID W. FOLEY, JR.; and JENNIFER  
T. FOLEY,

Plaintiffs,

v.

Case No. 6:12-cv-269-Orl-37KRS

ORANGE COUNTY,

Defendant.

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**ORDER**

On January 29, 2016, the U.S. Court of Appeals for the Eleventh Circuit issued a written opinion: (1) holding that this Court lacked subject matter jurisdiction in this matter; (2) vacating this Court's summary judgment Order dated August 13, 2013 (Doc. 290); and (3) remanding the case for dismissal without prejudice. (Doc. 337.) Specifically, the Eleventh Circuit found that this Court lacked federal question jurisdiction over the case because the claims upon which this Court based its jurisdiction were frivolous. (*Id.*)

Mandate initially issued on April 5, 2016. (Doc. 338 ("**Original Mandate**").) Consequently, this Court dismissed the case without prejudice on April 6, 2016 (Doc. 339 ("**Initial Dismissal Order**").) Nevertheless, that same day, the Eleventh Circuit recalled the Original Mandate. As such, this Court vacated its Initial Dismissal Order. (Doc. 341.) A second mandate issued on July 25, 2016.

Accordingly, pursuant to the Eleventh Circuit's directives, it is hereby **ORDERED AND ADJUDGED** that this case is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on July 27, 2016.



  
ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record

*Pro Se* Parties