

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

THOMAS DOUGHERTY,

Plaintiff,

v.

Case No: 6:13-cv-84-Orl-31DAB

**RON NEWMAN, MITCH GREENBERG
and EXPRESS ONE INC.,**

Defendants.

ORDER

This matter comes before the Court without a hearing on the Response to the Order to Show Cause (Doc. 7) filed by Defendants Ron Newman and Mitch Greenberg. Newman and Greenberg admit that as residents of the state of Florida, they lacked the ability to remove a case based on 28 U.S.C. 1332(a). Accordingly, it is hereby

ORDERED that this case is **REMANDED** to the Circuit Court of the Eighteenth Judicial Circuit in and for Brevard County, Florida. All pending motions are **DENIED AS MOOT**. The Court will retain jurisdiction to consider an award of attorneys' fees based on this removal; should the Plaintiff wish to file such a motion, he must do so on or before February 1, 2013. The Clerk is directed to close the file.

DONE and ORDERED in Orlando, Florida on January 23, 2013.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE