

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

CARMEN ROELL,

Plaintiff,

v.

Case No. 6:14-cv-1914-Orl-37DAB

STATE FARM MUTUAL AUTOMOBILE
INSURANCE; and WANNA J. PIERRE,

Defendants.

ORDER

This cause is before the Court on the following:

1. Order to Show Cause (Doc. 28), filed January 23, 2015; and
2. Defendant-State Farm's Response to Order to Show Cause (Doc. 29), filed January 23, 2015.

On January 23, 2015, the Court ordered the removing Defendant, State Farm Mutual Automobile Insurance ("Defendant"), to show cause why the Court should not remand this action for lack of subject matter jurisdiction. (See Doc. 28.) In response, Defendant concedes that Plaintiff's filing of the First Amended Complaint (Doc. 26), which incorporates Wanna J. Pierre as a co-defendant, divested the Court of diversity jurisdiction over this action. (See Doc. 29, p. 1.) Plaintiff and Pierre are both citizens of Florida, so the addition of Pierre as a co-defendant defeats complete diversity. See *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005) (requiring that the citizenship of each

plaintiff be diverse from the citizenship of every defendant). Consequently, the case is due to be remanded to state court for lack of subject matter jurisdiction.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. This action is **REMANDED** to the Circuit Court of the Ninth Judicial Circuit, in and for Osceola County, Florida.
2. The Clerk is **DIRECTED** to terminate all pending motions and deadlines and close the case file.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 30, 2015.



ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record

Clerk of Court for the Circuit Court of the Ninth Judicial Circuit, in and for Osceola County, Florida.