

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

HOWARD MERZ,

Plaintiff,

v.

CASE NO: 8:11-cv-953-T-33EAJ

JAMES WOLFE,

Defendant.

_____ /

ORDER


This cause comes before the Court sua sponte. On April 29, 2011, Plaintiff filed his Complaint alleging diversity jurisdiction (Doc. # 1). The Complaint, however, alleges only "damages that exceed \$15,000.00," which does not satisfy the amount in controversy necessary to establish subject matter jurisdiction. 28 U.S.C. § 1332(a).

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

Plaintiff may file an amended complaint by May 23, 2011. Failure to do so will result in the Court dismissing the case without prejudice for lack of subject matter jurisdiction. See Beavers v. A.O. Smith Elec. Products Co., 265 Fed. App'x 772, 779 (11th Cir. 2008)(When a court discovers that it lacks jurisdiction, the court must dismiss the action pursuant to Fed. R. Civ. P. 12(h)(3)).

DONE and **ORDERED** in Chambers in Tampa, Florida, this 9th
day of May, 2011.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel of Record