UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MIGUEL PLACE APARTMENTS, LTD.,

       Plaintiff,

vs.   CASE NO. 8:15-CV120-T-EAK-EAJ

TERRY L. FISH,

       Defendant.

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ORDER OF REMAND

This cause is before the Court on the petition for removal. This Court finds the petition to be untimely and remands this cause to the state court.
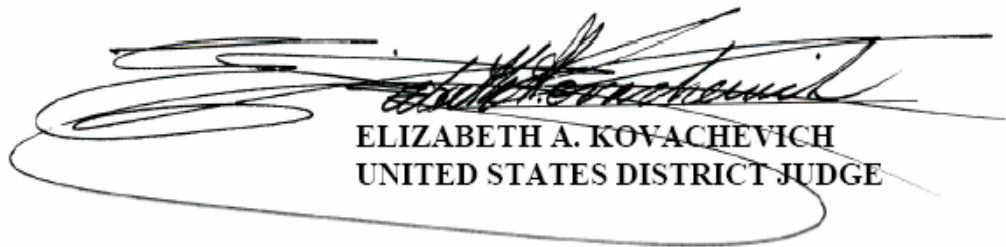
Pursuant to 28 U.S.C. § 1446(b): "[T]he notice of removal of a civil action or proceedings shall be filed within thirty (30) days after the receipt, by the Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim or relief upon which action or proceeding is based, or within thirty days after the service of summons upon the Defendant if such initial pleading has been filed in court and is not required to be served on the Defendant, whichever period is shorter."

Accordingly, more than thirty days transpired between the date removal may have become appropriate in this case and the instant filing of the petition for removal, reflecting non-compliance with the requirements of 28 U.S.C. s1446(b). In fact, more than a year has transpired.

While the time requirements imposed by the removal statute are not jurisdictional, they are rules of procedure which are to be strictly construed. The time limitations are considered mandatory and may not be enlarged by the court. Coupled with the mandatory nature of the time limitations, is the fact that the removal statute, and compliance therewith, must be strictly construed in favor of state court jurisdiction. Accordingly, it is

ORDERED that the petition for removal be **denied**. It is further ordered that this cause be **remanded** to the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, Florida. The Clerk of the Court **shall forward** a certified copy of this order to that court.

DONE and ORDERED in Chambers, in Tampa, Florida, this 26th day of January, 2015.

ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
All parties and counsel of record