

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

ALEXI OTERO,

Plaintiff,

v.

CASE NO. 8:17-cv-1175-T-26AAS

ANN CORVAIA and  
DELORES McKINNEY,

Defendants.

---

**ORDER**

**UPON DUE AND CAREFUL CONSIDERATION** of the procedural history of this case, together with Plaintiff's submission, it is **ORDERED AND ADJUDGED** that Plaintiff's Motion to Remand/Transfer Venue to State Court (Dkt. 35) is denied because this Court is unaware of any authority allowing the Court to remand or transfer venue to a state court after the case was initiated in this Court as opposed to being removed to this Court from state court. In light of Plaintiff's concession that this Court no longer has subject matter jurisdiction, the Court has no other alternative but to dismiss the negligence claims against Defendants but without prejudice to being refiled in state court. See 28 U.S.C. § 1367; Personalized Media Commc'ns, LLC v. Scientific-Atl., Inc., 493 F. App'x 78, 82 n.1 (11<sup>th</sup> Cir. 2012) (unpublished).

**ACCORDINGLY**, it is **ORDERED AND ADJUDGED** that Plaintiff's claims against Defendants are dismissed without prejudice to being refiled in the appropriate State of Florida court. The Clerk is directed to close this case.

**DONE AND ORDERED** at Tampa, Florida, on March 20, 2018.

*s/Richard A. Lazzara*  
\_\_\_\_\_  
**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record