

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

ANGELA WOODHULL,

Plaintiff,

vs.

CASE NO. 1:08cv151-SPM/AK

SHIRLEY MASCARELLA,

Defendant.

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ORDER

THIS CAUSE comes before the court on the Magistrate Judge's Second Report and Recommendation dated March 19, 2009 (doc. 26). The parties have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Plaintiff has filed objections (doc. 27). Having considered the report and recommendation, I have determined that the report and recommendation should be adopted.

Plaintiff has failed to allege underlying facts to establish that the amount in controversy exceeds \$75,000.00, as required for jurisdiction based on diversity of citizenship. Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 26) is

ADOPTED and incorporated by reference in this order.

2. This case is dismissed for lack of federal jurisdiction. The dismissal does not prevent Plaintiff from pursuing her claims in state court.

DONE AND ORDERED this 24th day of June, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge