

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

MARK SOLIMAN,

Plaintiff,

vs.

CASE NO. 1:09CV107-MP/AK

THE CROSSING AT BAY MEADOWS,

Defendant.

_____ /

REPORT AND RECOMMENDATION

Plaintiff, a Florida resident, brings this cause of action against Defendant, a Florida Limited Liability Company, for wrongful termination of an employment contract. (Doc. 1). Plaintiff is proceeding pro se, paid the filing fee, and served his complaint. Defendant has moved to dismiss the complaint for lack of jurisdiction. (Doc. 9). Plaintiff has not responded.

As Defendant correctly notes, both parties are residents of Florida. A United States District Court has essentially two basis for jurisdiction: federal question or diversity of citizenship. See 28 U.S.C. §§ 1331, 1332. As Plaintiff and the Defendant reside in Florida, there can be no jurisdiction based on diversity. Additionally, Plaintiff has not alleged any constitutional violation such that jurisdiction could be obtained under the court's federal question jurisdiction. Thus, Plaintiff's claims are more appropriately filed in state court.

In light of the foregoing, it is respectfully **RECOMMENDED** that Defendant's motion (doc. 9) be **GRANTED**, and this cause **DISMISSED** for lack of jurisdiction.

IN CHAMBERS at Gainesville, Florida, this 26th day of June, 2009.

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.