

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

REGINA BOYD,

Plaintiff,

v.

Civil Action No. 5:14-CV-232

**BIG LOTS STORES, INC., d/b/a BIG
LOTS!, TIME EQUITIES, INC., d/b/a
MACON EQUITIES SECURITIES,
LLC, FICKLING MANAGEMENT
SERVICES, LLC, and AAA
PRESSURE WASHING AND
SWEEPING, INC.,**

Defendants.

ORDER

This matter is before the Court on Plaintiff Regina Boyd's Motion for Remand. (Doc. 25). Plaintiff alleges that the joinder of Fickling Management Services, LLC ("Fickling") and AAA Pressure Washing and Sweeping, Inc. ("AAA") destroyed diversity jurisdiction and divested this Court of subject matter jurisdiction thereby making remand appropriate. The motion is unopposed.

Federal courts are courts of limited jurisdiction. Burns v. Winsor Ins. Co., 31 F.3d 1092, 1095 (11th Cir. 1994). "Subject matter jurisdiction in a federal court may be based upon federal question jurisdiction or diversity jurisdiction." Walker v. Sun Trust Bank of Thomasville, Ga., 363 F. App'x 11, 15 (11th Cir. 2010). The district courts of the United States have jurisdiction over civil actions in which the

parties are citizens of different states and the amount in controversy exceeds \$75,000, not including interest and costs. 28 U.S.C. § 1332. “Complete diversity requires that no defendant in a diversity action be a citizen of the same state as any plaintiff.” MacGinnitie v. Hobbs Grp., LLC, 420 F.3d 1234, 1239 (11th Cir. 2005).

Defendant Big Lots! (“Big Lots”), with the consent of Time Equities, Inc., d/b/a Macon Equities Securities, LLC (“Time Equities”), removed this action from the State Court of Bibb County on June 18, 2014 (Doc. 1), on the basis of diversity jurisdiction. In the course of discovery, Plaintiff discovered that Fickling and AAA needed to be joined as defendants. On October 21, 2014, Plaintiff filed a Stipulation (Doc. 16) and Amended Complaint (Doc. 17) adding claims against Fickling and AAA, both of which are Georgia corporations. All Defendants have filed answers in this case. (Docs. 17-21).

As alleged in the Notice of Removal, Plaintiff is a resident of Macon, Georgia. (Doc. 1). Fickling and AAA are also Georgia citizens. Thus, there is not complete diversity of citizenship between the Plaintiff and all Defendants, and the Court lacks subject matter jurisdiction under 28 U.S.C. § 1332. The Court accordingly grants Plaintiff’s motion and remands this case to the State Court of Bibb County for further adjudication.

SO ORDERED this 12th day of March, 2015.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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