

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2002

MICHAEL ALEXANDER,	**	
Appellant,	**	CASE NO. 3D02-1015
vs.	**	LOWER
THE CITY OF MIAMI,	**	TRIBUNAL NO.01-4775
Appellee.	**	

Opinion filed December 18, 2002.

An Appeal from the Circuit Court for Dade County, Jon I. Gordon, Judge.

Bernard J. Butts, Jr., for appellant.

Alejandro Vilarello, City Attorney, and Christopher Green and Regine Monestime, Assistant City Attorneys, for appellee.

Before JORGENSON, LEVY, and SHEVIN, JJ.

PER CURIAM.

We affirm the order of summary judgment, as the City was

not liable as a matter of law for any injuries sustained by plaintiff at the location alleged in his pre-suit notice and his complaint. The trial court did not abuse its discretion in denying plaintiff's motion to amend. See Fla. R. Civ. P. 1.190(b) (2001); Frenz Enters., Inc. v. Port Everglades, 746 So. 2d 498, 503 (Fla. 4th DCA 1999) (holding that trial court did not abuse its discretion in denying leave to amend complaint where proposed amendment would "materially vary the originally asserted grounds for relief").

AFFIRMED.