

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-80316-CIV-PAINE

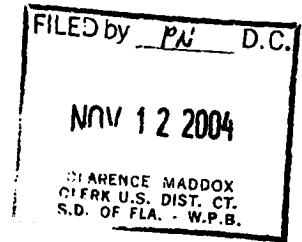
WILLIAM A. CABANA,

Plaintiff,

vs.

SHARON ANN MAYO, f/k/a,
SHARON ANN CABANA, a former wife,
and Third Party Defendants.

Defendants.



**ORDER OF REMAND AND DISMISSAL DUE TO
LACK OF PROSECUTION**

This matter comes before the Court sua sponte. A review of the file indicates that on July 9, 2004, this court entered an Order to Show Cause requiring the Plaintiff to file a memorandum demonstrating good cause, pursuant to Fed. R. Civ. P. 41(b) and Southern District of Florida Local Rule 41.1, explaining why this case should not be dismissed for failure to prosecute. The Plaintiff never filed the appropriate memorandum with facts establishing good cause as to why this matter was not moved forward since it was removed from the Fifteenth Judicial Circuit. This is a sufficient reason for this court to dismiss this case for lack of prosecution.

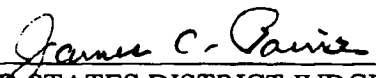
However, the court further finds that this action involves issues of state law that resulted from the Plaintiff's dissatisfaction with rulings rendered by a state court judge. Therefore, the court finds that no basis exists for federal jurisdiction and that this matter was, therefore, improvidently removed from the Fifteenth Judicial Circuit. Accordingly, remand is necessary so that the state court may address the various violations alleged to have

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taken place in the state court proceedings. Finally, this court hereby abstains from addressing these state court issues and further finds that no adequate basis exists for Plaintiff's removal of this state court matter to this court. Accordingly, it is

ORDERED and ADJUDGED that this action is REMANDED to the Fifteenth Judicial Circuit from which it was improvidently removed. This case is closed and all pending motions as of the date of this order are hereby denied as moot. The Plaintiff shall refrain from any further filings in the federal court and shall address all pending issues in the state court proceedings. This case is CLOSED.

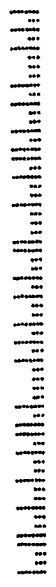
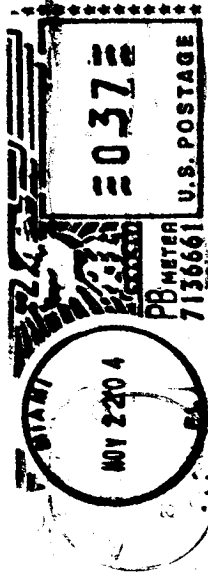
DONE and ORDERED at West Palm Beach, Florida, this 12th day of November, 2004.


UNITED STATES DISTRICT JUDGE

Copies furnished to:
William A. Cabana, pro se

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SOUTHERN DISTRICT OF FLORIDA
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