

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

YASSER ESMAEIL,

Plaintiff,

-vs-

GUTTERIDGE JEANCHARLES,
M.D., P.A., a Florida Corporation,
and GUTTERIDGE JEAN-
CHARLES, M.D., an individual,

Defendants.

CASE NO.: 6:24-cv-00034-RMN

VOLUNTARY DISMISSAL OF ALL CLAIMS

COMES NOW, Plaintiff, Yasser Esmaeil, by and through his undersigned attorney, and pursuant to Fed. R. Civ. P. 41(a)(1)(i), dismisses all claims without prejudice so that this matter can proceed in state circuit court.

On January 5, 2024, Plaintiff filed a Complaint in federal court with federal question subject matter jurisdiction and related state law claims. Neither of the Defendants in this case have filed an Answer. On February 18, 2025, Plaintiff filed an Amended Complaint that no longer contained any federal causes of action.

Federal courts “are courts of limited jurisdiction.” *Royal Canin U.S.A., Inc. v. Wullschleger*, 220 L.Ed.2d 289, 297 (U.S. January 15, 2025) (citing *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U. S. 375, 377 (1994)). The claims raised in the original complaint contained federal question subject matter jurisdiction and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

When the federal causes of action were eliminated in the Amended Complaint, the federal court lost its federal question jurisdiction and can no longer maintain the supplemental state law claims in federal court. *Royal Canin*, 220 L.Ed.2d at 308.

28 U.S.C. § 1367(d) provides that the statute of limitations for these claims is tolled during the period of time a claim is pending in federal district court, as well as 30 days after the claim is dismissed. *Simon v. Celebration Co.*, 883 So. 2d 826, 830 (Fla. 5th DCA 2004).

Plaintiff therefore dismisses all claims without prejudice in this case and shall file his complaint in state circuit court on or before 30 days have expired.

Dated: March 5, 2025

Respectfully Submitted,

/s/ Lisa D. Haba

Lisa D. Haba

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