

FILED JUL 24 '01 AM 10:18 USDCALS

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RAGUEL M. COLLINS, etc.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	00-0949-BH-S
MOSTELLAR MEDICAL CLINIC, et al.,)	
)	
Defendants.)	

ORDER

This action is now before the Court on a plaintiff's motion to remand (Doc. 29) which is predicated on the contention that this Court lacks subject matter jurisdiction because no federal claims are or ever have been asserted against Bernard Weiss, M.D., the sole remaining defendant herein, and the parties lack diversity. Dr. Weiss concedes that, under the governing precedent of *Dedrick v. Youngblood*, 200 F.3d 744 (11th Cir. 2000), he is not a "contractor employee" within the meaning of the Federally Supported Health Centers Assistance Act, 42 U.S.C. § 233, such that plaintiff's claims against Dr. Weiss would be covered by the Federal Tort Claims Act, 42 U.S.C. § 1346(b). Dr. Weiss also concedes that diversity jurisdiction did not exist either at the time the complaint was filed or when removed to this Court, *albeit* such diversity exists at this moment. Consequently, this Court lacks subject matter jurisdiction in this matter. It is therefore **ORDERED** that plaintiff's motion to remand (Doc. 29) be and is hereby **GRANTED**.

The Clerk of this Court is directed to take such steps as are necessary to transfer this action back to the Circuit Court of Mobile County, Alabama, from whence it was removed.

DONE this 24th day of July, 2001.

W B Hand
SENIOR DISTRICT JUDGE

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED THIS THE
24th DAY OF July,
_____, JUDGEMENT ENTRY _____
NO. 9932
CHARLES R. DIARD, JR., CLERK
BY Shelley Banko
DEPUTY CLERK

**JUDGEMENT ENTERED
ON DOCKET**
Date 7/24/01 sdb
CHARLES R. DIARD, JR., CLERK