

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-5299

PREMIER MOTORCAR GALLERY,
INC.,

Petitioner,

v.

ONAZINA WASHINGTON,

Respondent.

Petition for Writ of Prohibition—Original Jurisdiction.

March 29, 2018

PER CURIAM.

Premier Motorcar Gallery, Inc., filed a petition for prohibition, asking us to prohibit the circuit court from exercising jurisdiction in the underlying matter. Later, while this original action remained pending, Premier Motorcar removed the underlying action to federal court, thus depriving the trial court of jurisdiction to proceed. *See Maseda v. Honda Motor Co.*, 861 F.2d 1248, 1254–55 (11th Cir.1988) (“[A]fter removal, the jurisdiction of the state court absolutely ceases and the state court has a duty not to proceed any further in the case.”); *see also* 28 U.S.C. § 1446(d) (“[T]he State court shall proceed no further unless and until the case is remanded.”).

Premier Motorcar now asks us to stay or abate this proceeding, waiting and starting again “only in the event the action is later remanded” back to state court. But because Premier Motorcar acknowledges that its removal to federal court has already achieved what it asked us to do—deprive the circuit court of jurisdiction to proceed—we dismiss the petition as moot. If the case later returns to state court, and if the trial court later acts in excess of its jurisdiction, Premier Motorcar can later file another prohibition petition. *See Scott v. Francati*, 214 So. 3d 742, 749 (Fla. 1st DCA 2017) (prohibition is appropriate when circuit court attempts to act without jurisdiction).

DISMISSED.

WOLF, OSTERHAUS, and WINSOR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

David P. Healy of Dudley, Sellers, Healy & Heath, PL,
Tallahassee, for Petitioner.

David H. Abrams, Tallahassee, for Respondent.