

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

Cardinal Richardson v. Seminole Tribe of Florida, a federally
recognized Indian Tribe, et al.

No. 8:25-cv-01560-JLB-NHA, United States District Court for the Middle District of Florida, Tampa Division
(December 1, 2025)

SUMMARY

The United States District Court for the Middle District of Florida dismissed without prejudice Counts I, II, and V of Cardinal Richardson’s amended complaint, which asserted Federal Tort Claims Act claims against the United States, because the plaintiff had not exhausted administrative remedies. The court terminated the United States, denied the parties’ motions to dismiss as moot, granted the unopposed motion to remand the remaining claims, and remanded the case to Florida state court. The order was entered on December 1, 2025.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	John L. Badalamenti
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	December 1, 2025
DOCKET	8:25-cv-01560-JLB-NHA
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff filed an action in Florida state court asserting claims against the Seminole Tribe of Florida and other defendants, including FTCA claims against the United States. The United States removed the action under 28 U.S.C. § 2679(d), was substituted for the Tribe on the FTCA claims, and moved to dismiss. Plaintiff then consented to dismissal without prejudice of Counts I, II, and V and moved to remand the remaining claims to state court.
STANDARD OF REVIEW	The court considered the unopposed motion to remand on its merits; no separate standard of review was stated.

PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Cardinal Richardson v. Seminole Tribe of Florida, a federally recognized Indian Tribe, Seminole Tribe of Florida, Inc., Seminole Hard Rock International, LLC, Alliant Specialty Insurance Services, Inc., United States of America

TOPICS

civil procedure motions to dismiss subject matter jurisdiction torts indian affairs

PRACTICE AREAS

Civil procedure Federal Tort Claims Act Removal and remand Indian affairs

QUESTIONS PRESENTED

1. Whether Counts I, II, and V should be dismissed without prejudice because Plaintiff had not exhausted the FTCA's administrative-remedy requirement.
2. Whether the remaining claims should be remanded to the Florida state court after the United States was dismissed from the action.
3. Whether the court should determine the timeliness of any administrative claim filed with the Bureau of Indian Affairs after dismissal.

HOLDINGS

1. The FTCA claims against the United States were dismissed without prejudice because Plaintiff admitted that he had not exhausted the administrative remedies required by 28 U.S.C. § 2675(a).
2. The court granted Plaintiff's unopposed motion to remand the remaining claims to the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida.
3. The court declined to determine whether an administrative claim filed with the Bureau of Indian Affairs within sixty days after dismissal would be timely.

KEY QUOTATIONS

"This case is REMANDED to the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida." (Conclusion)

FACTUAL BACKGROUND

Plaintiff brought tort claims in Florida state court against the Seminole Tribe of Florida, related entities, Alliant Specialty Insurance Services, Inc., and the United States. Counts I, II, and V were asserted under the Federal Tort Claims Act, and Plaintiff acknowledged that he had not exhausted the required administrative remedies before filing those claims.

PROCEDURAL HISTORY

The United States removed the state-court action and was substituted for the Seminole Tribe of Florida as defendant on Counts I, II, and V after certification that the Tribe's employee was acting within the scope of federal employment. Plaintiff admitted that he had not exhausted administrative remedies under the FTCA, sought dismissal without prejudice of those counts, and moved to remand the remaining claims. The district court dismissed the FTCA claims without prejudice, terminated the United States, granted remand, and denied the pending motions to dismiss as moot.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk must transmit a certified copy of the order to the Hillsborough County, Florida, Clerk of Court, terminate pending motions and deadlines, and close the federal case. The remaining claims are remanded to the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida.

CASES CITED

- Caldwell v. Klinker, 646 F. App'x 842, 846 (11th Cir. 2016)
- Matthews v. Gaither, 902 F.2d 877, 880 (11th Cir. 1990)
- City of Jacksonville v. Jacksonville Hosp. Holdings, L.P., 82 F.4th 1031, 1036 (11th Cir. 2023)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION
CARDINAL RICHARDSON, Plaintiff, v. Case No: 8:25-cv-01560-JLB-NHA SEMINOLE
TRIBE OF FLORIDA, a federally recognized Indian Tribe, et al., Defendants. / ORDER Before
the Court is Plaintiff Cardinal Richardson's Notice of Consent to Dismissal Without Prejudice
(Doc. 25), which this Court construes as a motion.

Plaintiff seeks dismissal without prejudice of Counts I, II, and V of its Amended Complaint (Doc. 11). After careful consideration, the Motion is GRANTED in part. Plaintiff originally filed this action in Florida state court against the Seminole Tribe of Florida, the Seminole Tribe of Florida, Inc., Seminole Hard Rock International, LLC, Alliant Specialty Insurance Services, Inc., and the United States of America (collectively, "the Defendants").

(Doc. 1-1). Plaintiff brought counts I, II, and V against the United States under the Federal Tort Claims Act (FTCA). (Doc. 1-1). The United States removed the action to this Court, asserting jurisdiction pursuant to 28 U.S.C. § 2679(d), providing that Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a State court shall be removed without bond at any time before trial by the

Attorney General to the district court of the United States for the district and division embracing the place in which the action or proceeding is pending.

(Doc. 1). The United States moved to substitute itself for the Seminole Tribe of Florida as the defendant for counts I, II, and V. It included a Certification that the Seminole Tribe of Florida was acting within its scope of employment with the federal government at the relevant time. (Doc. 4; Doc. 4-1).

Accordingly, the Court granted the Motion. (Doc. 8). Now, Plaintiff seeks dismissal of all claims brought against the United States (i.e., the FTCA claims). (Doc. 25 at 5). Specifically, Plaintiff admits that he has not exhausted administrative remedies prior to bringing counts I, II, and V against the United States as required by 28 U.S.C. § 2675(a). (Doc.

25 at 5); see *Caldwell v. Klinker*, 646 F. App'x 842, 846 (11th Cir. 2016) (affirming the district court's dismissal of plaintiff's FTCA claims because "[plaintiff] did not exhaust his administrative remedies under the FTCA"). No opposing party has filed an answer or a motion for summary judgment.

Accordingly, counts I, II, and V of Plaintiff's Amended Complaint (Doc. 11) are DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). See *Matthews v. Gaither*, 902 F.2d 877, 880 (11th Cir. 1990); *City of Jacksonville v. Jacksonville Hosp. Holdings, L.P.*, 82 F.4th 1031, 1036 (11th Cir. 2023) ("Rule 41(a) allows a district court to dismiss all claims against a particular defendant.") (citation and emphasis omitted).

As counts I, II, and V were the only claims brought against the United States, the United States is terminated from this action. As for Plaintiff's remaining claims, he has filed a Motion to Remand (Doc. 29). The Motion is unopposed by the remaining Defendants. (Doc. 33). Upon consideration of the foregoing and the merits of the Unopposed Motion, the Court finds that Plaintiff's motion to remand is due to be GRANTED.

Last, Plaintiff's Notice of Consent to Dismissal Without Prejudice requests that this Court recognize that any administrative claim filed with the Bureau of Indian Affairs within sixty days after the entry of dismissal be deemed timely. (Doc. 25 at 5). 28 U.S.C § 2679(d)(5) deems timely an action from a plaintiff who files an administrative claim after the FTCA's two-year statute of limitations has run but less than sixty days after the federal claim is dismissed.

However, this Court declines to address a timeliness argument for claims no longer before it. CONCLUSION Accordingly, it is ORDERED: (1) Plaintiff's Consent to Dismissal Without Prejudice as to Counts I, II, and V of the Amended Complaint (Doc. 25) is GRANTED in part and DENIED in part.

(2) The Consent is GRANTED to the extent that the Court DISMISSES without prejudice Counts I, II, and V of the Amended Complaint (Doc. 11) and DENIED to the extent that it seeks any other relief. (3) The Clerk of Court is DIRECTED to terminate the United States from this action.

(4) Plaintiff's Unopposed Motion to Remand the Action to State Court (Doc. 29) is GRANTED.

(5) Defendant United States of America's Motion to Dismiss (Doc. 13) is DENIED as moot. (6) Defendants Alliant Specialty Insurance Services, Inc.'s, Seminole Hard Rock International, LLC's, Seminole Tribe of Florida's, and The Seminole Tribe of Florida, Inc.'s Motion to Dismiss (Doc.

15) is DENIED as moot. (7) This case is REMANDED to the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida. The Clerk of Court is DIRECTED to transmit a certified copy of this order to the Hillsborough County, Florida, Clerk of Court, to terminate any pending motions and deadlines, and to close this case. ORDERED in Tampa, Florida, on December 1, 2025.

JOHN L. BADALAMENTI UNITED STATES DISTRICT JUDGE