

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 10-10695

D.C. Docket No. 9:09-cv-80594-WPD

THE CITY OF RIVIERA BEACH,

Plaintiff-Appellee,

versus

THAT CERTAIN UNNAMED GRAY, TWO-STORY VESSEL
APPROXIMATELY FIFTY-SEVEN FEET IN LENGTH,
her engines, tackle, apparel, furniture, equipment and all other
necessaries appertaining and belonging in rem,

Defendant,

FANE LOZMAN,

Claimant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(August 26, 2013)

**ON REMAND FROM THE SUPREME COURT
OF THE UNITED STATES**

Before MARCUS and EDMONDSON, Circuit Judges, FAWSETT,* District Judge.

PER CURIAM:

Now before the Court are Appellant's amended motion to remand this matter to district court for an evidentiary hearing and Appellee's motion to strike Appellant's reply in support of his motion for remand.

When this matter was last before us, we affirmed the district court judgment in favor of Appellee. However, the Supreme Court reversed, holding that the structure in question was not a "vessel" for purposes of admiralty law, and thus that the district court lacked subject matter jurisdiction over the City's action (herein the "Admiralty Action"). See City of Riviera Beach v. That Certain Unnamed Gray, Two-Story Vessel Approximately Fifty-Seven Feet in Length, 649 F.3d 1259 (11th Cir. 2011), reversed sub nom Lozman v. City of Riviera Beach, -- U.S. --, 133 S.Ct. 735 (2013). The Supreme Court expressly declined to remand for further proceedings. Id., 133 S.Ct at 745-746.

Appellant has not shown that, despite the district court's lack of subject matter jurisdiction over the underlying action, the court would nevertheless be authorized to award him damages and attorney's fees. Appellant's motion for remand is DENIED, without prejudice to his right to pursue in an appropriate forum any remedies that may be available to him.

Appellee's motion to strike is DENIED.

The judgment of the district court is REVERSED, and this matter is REMANDED with instructions to dismiss the action for lack of subject matter jurisdiction.