

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 11-10836  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 5, 2011 JOHN LEY CLERK
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D.C. Docket No. 9:10-cv-81021-DTKH

WILLIAM BROWNSBERGER,  
ANDREW SMILLIE,

Plaintiffs - Appellants,

versus

NEXTERA ENERGY, INC.,  
NEXTERA ENERGY RESOURCES, LLC,  
GEXA ENERGY, LP,  
GEXA ENERGY HOLDINGS, LLC,  
GEXA ENERGY, GP, LLC,

Defendants - Appellees.

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

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(August 5, 2011)

Before TJOFLAT, MARTIN and ANDERSON, Circuit Judges.

PERCURIAM:

The plaintiffs appeal the January 19, 2011 order of the district court dismissing without prejudice defendant Gexa Texas for lack of personal jurisdiction, and, in the exercise of the discretion afforded the court under 28 U.S.C. § 1406(a), declining to transfer the case against the remaining defendants to the Northern District of Texas. Instead, as § 1406(a) provides, the court dismissed plaintiffs' claims against those defendants without prejudice to their right to refile the claims in an appropriate forum.

We find no error in the district court's determination that it lacked personal jurisdiction over the claims against Gexa Texas and no abuse of discretion in the court's decision to dismiss the claims against the remaining defendants under § 1406(a).

AFFIRMED.