

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

HAROLD KILLIAN and)
HANA KILLIAN,)
)
Plaintiff,)
)
vs.) Case No. 1:13-CV-35 SNLJ
)
BLACK BULLET TRUCKING, INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on review of the file following assignment to the undersigned. The Eight Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). “In every federal case the court must be satisfied that it has jurisdiction before it turns to the merits of other legal arguments.” *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006). “A plaintiff who seeks to invoke diversity jurisdiction of the federal courts must plead citizenship distinctly and affirmatively.” 15 James Wm. Moore, et al., *Moore’s Federal Practice* § 102.31 (3d ed. 2010).

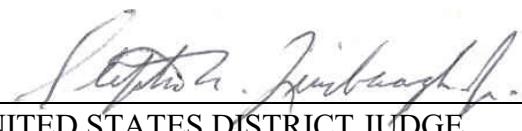
The Complaint (#1) asserts that the Court has jurisdiction over the action pursuant to 28 U.S.C. § 1332 because the lawsuit is between citizens of different States and the matter in controversy exceeds the sum of \$75,000. Plaintiffs allege that they are citizens of Arkansas and that defendant is a corporation “organized and existing under and by virtue of Ohio law.” However, a corporation is deemed to be a citizen of both the state in which it is incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c). Plaintiff does not allege where defendant has its principal place of business.

Because it is the plaintiffs' burden in this case to establish subject matter jurisdiction, the Court will grant plaintiff twenty-one (21) days to file an amended complaint which alleges facts showing the existence of the requisite diversity of citizenship of the parties. If plaintiff fails to timely and fully comply with this Order, the Court will dismiss this matter without prejudice for lack of subject matter jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that, by March 7, 2013, plaintiff shall file an amended complaint which shall allege defendant's principal place of business.

Dated this 21st day of February, 2013.



Stephen R. Kimball, Jr.
UNITED STATES DISTRICT JUDGE