

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DONALD DEPP

CIVIL ACTION

VERSUS

NO: 15-4537

ROGELIO DIAZ, ET AL.

SECTION: R(5)

ORDER AND REASONS

Defendant Progressive Security Insurance Company moves to dismiss plaintiff Donald Depp's complaint for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1).¹ Depp is a Louisiana citizen who alleges that the Court has diversity jurisdiction over his state-law claims under 28 U.S.C. § 1332.² Progressive presents evidence in support of its motion to dismiss that it too is properly considered a Louisiana citizen.³ Depp neglected to file an opposition to Progressive's motion and has not demonstrated that subject matter jurisdiction exists in the face of contrary evidence. Accordingly, the Court GRANTS the motion and DISMISSES WITHOUT PREJUDICE Depp's complaint.

New Orleans, Louisiana, this 14th day of December, 2015.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

¹ R. Doc. 11.

² R. Doc. 1 at 1 ¶ I.

³ See R. Doc. 11-1 at 3; R. Doc. 11-2.