UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Mya Constantino,

                Plaintiff,   Case No. 17-cv-10801

v.   Judith E. Levy
                                 United States District Judge

Huffy Corporation, Alliance Cycle
Industry Co., LTD, Apollo Retain   Mag. Judge David R. Grand
Partners, L.P., and Apollo Retail
Specialists, LLC,

               Defendants.

_____/

OPINION AND ORDER DISMISSING PLAINTIFF'S CASE *SUA SPONTE* FOR LACK OF SUBJECT MATTER JURISDICTION

Plaintiff seeks to bring state products liability, breach of implied and express warranty, and negligence claims against a number of defendants under 28 U.S.C. § 1332, based on diversity. (Dkt. 1.)

For the purposes of determining diversity jurisdiction, a corporation is a citizen of the state in which it is domiciled and also the state in which it has its principal place of business. 28 U.S.C. § 1332(c)(1). And § 1332 requires complete diversity, i.e., that no plaintiff

is a citizen of the same state as any defendant. *See Glancy v. Taubman Ctrs., Inc.*, 373 F.3d 656, 672 (6th Cir. 2004).

Plaintiff alleges that she is a resident of Livonia, Michigan, and that defendant Apollo Retail Specialists, LLC has its principal place of business in Kalamazoo County, Michigan. (Dkt. 1 at 2.) Plaintiff thus fails to plead that complete diversity exists, and the case is dismissed for lack of subject matter jurisdiction. *See Curry v. United States Bulk Transp., Inc.*, 462 F.3d 536, 543 (6th Cir. 2006) (remanding to district court for failing to *sua sponte* dismiss diversity case when complete diversity did not exist).

IT IS SO ORDERED.

Dated: April 17, 2017   s/Judith E. Levy
Ann Arbor, Michigan   JUDITH E. LEVY
                                       United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 17, 2017.

                                       s/Felicia M. Moses
                                       FELICIA M. MOSES
                                       Case Manager