

NOT FOR PUBLICATION

CLOSED

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ZORA H. COLON AND :
ANGEL M. PAGAN :

Plaintiffs, :

v. :
SONDA TOURS, INC., *et al.*, :

Defendants. :

Civil Action No. 10-09 (FSH)

OPINION & ORDER

March 23, 2010

HOCHBERG, District Judge.

This matter having been raised by the Court *sua sponte*, and the Court having reviewed Plaintiffs' Complaint; and

it appearing that Plaintiffs assert in the Complaint that the basis for subject matter jurisdiction in this case is diversity of the citizenship of the parties pursuant to 28 U.S.C. § 1332(a)(1),¹ which requires that the parties be completely diverse from one another such that no Plaintiff is a citizen of any state of which any Defendant is also a citizen, *see Dev. Fin. Corp. v. Alpha Hous. & Health Care, Inc.*, 54 F.3d 156, 158 (3d Cir. 1995); and

it appearing that Plaintiffs are alleged to be citizens of the State of New York;² and

it appearing that Defendant Julia Quinones is alleged to be a citizen of the State of New

¹ See Compl. ¶ 5. Plaintiffs appear to have inadvertently mis-cited to 28 U.S.C. § 1322(a)(1).

² See Compl. ¶ 1.

York;³ and

it appearing that complete diversity of citizenship is lacking;

IT IS on this 23rd day of March, 2010,

ORDERED that the Complaint is **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.

³ See Compl. ¶ 25.