

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-20532

BANK OF AMERICA, N.A.,

Plaintiff – Appellee,

v.

FULCRUM ENTERPRISES, LLC,

Defendant - Appellant

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

Before STEWART, Chief Judge, HAYNES, Circuit Judge, and BROWN,
District Judge.*

ORDER:

This case is before this court on Fulcrum Enterprises, LLC's appeal of the district court's judgment. In the district court, Plaintiff asserted jurisdiction based upon diversity of citizenship, which was not challenged. On appeal, we raised, sua sponte, the question of the citizenship of Fulcrum Enterprises, LLC's members. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). Following supplemental briefing and discussion at oral argument, and pursuant to 28 U.S.C. § 1653, which allows amendment of jurisdictional allegations on appeal, we entered an order directing Fulcrum

* District Judge of the Eastern District of Louisiana, sitting by designation.

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Enterprises, LLC to file a letter brief in this court stating the state(s) of citizenship of each of its members. Following receipt of that letter brief, we enter an order as follows:

IT IS ORDERED that, no later than ten days from the date of this order, Plaintiff-Appellee Bank of America, N.A. shall file in this court a letter brief responding to the letter brief filed by Fulcrum Enterprises, LLC. The Clerk of Court will deem the case submitted for decision following receipt of the ordered information.