

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

DAWN AND GREG BROWN,)
as parents and next of)
friends of A.B., a minor,)
)
Plaintiffs,)
)
v.)
)
DOLGENCORP, LLC,)
a corporation,)
)
Defendant.)

CIVIL ACTION NO.
1:12cv735-MHT
(WO)

ORDER

The allegations of the plaintiffs' complaint are insufficient to invoke this court's jurisdiction under 28 U.S.C. § 1332. To invoke jurisdiction based on diversity, a complaint must distinctly and affirmatively allege each party's citizenship. McGovern v. American Airlines, Inc., 511 F. 2d 653, 654 (5th Cir. 1975) (per curiam).* 28 U.S.C. § 1332(c) provides that a corporation shall be deemed a citizen, first, of all States by which it has been

*In Bonner v. Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit Court of Appeals adopted as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

incorporated and, second, of the State where it has its principal place of business. To invoke jurisdiction based on diversity in a case in which a corporation is a party, it is thus necessary to allege distinctly and affirmatively all the States by which the corporation has been incorporated and the State in which the corporation has its principal place of business. American Motorists Ins. Co. v. American Employers' Ins. Co., 600 F.2d 15, 16 and n.1 (5th Cir. 1979) (per curiam). The plaintiffs' complaint fails to allege sufficiently the citizenship of defendant Dolgencorp, LLC.

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiffs have until September 14, 2012, to amend the complaint to allege § 1332 jurisdiction sufficiently, see 28 U.S.C. § 1653; otherwise, this cause shall be dismissed without prejudice.

DONE, this the 4th day of September, 2012.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE