IN THE DISTRICT COURT OF THE UNITED STATES FOR THE

MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

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EDWARD JAMES HOFFMAN,        )
                             )
    Plaintiff,               )
                             )        CIVIL ACTION NO.
    v.                       )         1:14cv23-MHT
                             )            (WO)
VERIZON WIRELESS SERVICES    )
LLC,                         )
                             )
    Defendant.               )
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OPINION AND ORDER

The allegations of the notice of removal are insufficient to invoke this court's removal jurisdiction under 28 U.S.C. §§ 1332 (diversity of citizenship) and 1441 (removal). To invoke removal jurisdiction based on diversity, the notice of removal must distinctly and affirmatively allege each party's citizenship. McGovern v. American Airlines, Inc., 511 F. 2d 653, 654 (5th Cir. 1975) (per curiam). The allegations must show that the citizenship of each plaintiff is different from that of each defendant. 28 U.S.C. § 1332; see also 2 James Wm.

Moore, et al., Moore's Federal Practice ¶ 8.03[5][b] at 8-10 (3d ed. 1998).

The notice of removal is insufficient because it does not indicate the citizenship of defendant Verizon Wireless Services, LLC. If an entity is a limited liability company, the notice must allege "[t]he citizenships of all members of the limited liability company," Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1022 (11 Cir. 2004), and, if one of the members is a partnership, the notice must indicate the citizenship of the individual partners, both general and limited. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015 (1990). Here, the removal notice fails to give the citizenship of the individual partners of Cellco Partnership, which is the sole member of defendant Verison Wireless Services, LLC, which is a limited liability company.

<p style="text-align:center">***</p>

It is therefore the ORDER, JUDGMENT, and DECREE of the court that defendant Verizon Wireless Services, LLC, has

until January 31, 2014, to amend the notice of removal to allege jurisdiction sufficiently, see 28 U.S.C. § 1653; otherwise this lawsuit shall be remanded to state court.

DONE, this the 21st day of January, 2014.

                          /s/ Myron H. Thompson
                      UNITED STATES DISTRICT JUDGE