

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

TERRY HESTER, et al.,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO.
v.	)	2:09cv908-MHT
	)	(WO)
REGIONS BANK, et al.,	)	
	)	
Defendants.	)	

ORDER

In this lawsuit, the plaintiffs state that they seek to invoke the jurisdiction of the court based on "diverse citizenship." Complaint (Doc. No. 1), at 3. A federal court may assert jurisdiction where the amount in controversy exceeds \$ 75,000, exclusive of costs and interests, and the parties are citizens of different States. 28 U.S.C. § 1332(a). However, for diversity jurisdiction to exist, there must be "complete diversity," that is, each defendant must be a citizen of a State different from that of each plaintiff or, to put it another way, complete diversity is lacking where any

party on one side of the suit is from the same State as any party on the other side. Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 373 (1978); Strawbridge v. Curtiss, 7 U.S. 267 (1806); Palmer v. Hospital Auth. of Randolph Cty., 22 F.3d 1559, 1564 (11th Cir. 1994). It appears, from the face of the plaintiffs' complaint, that "complete diversity" is lacking: For example, the plaintiffs state that plaintiff Terry Hester is "a natural citizen of the state of Alabama" and that defendant Regions Bank is "an Alabama corporation." Complaint (Doc. No. 1), at 2. Thus, it appears that both plaintiff Hester and defendant Regions Bank are citizens of Alabama, with the result that "complete diversity" is missing.

Accordingly, it is ORDERED that the plaintiffs show cause, if any there be, in writing by November 13, 2009, as to why this case should not be dismissed because diversity-of-citizenship jurisdiction, the only basis for jurisdiction alleged in the complaint, is missing.

DONE, this the 29th day of October, 2009.

          /s/ Myron H. Thompson            
UNITED STATES DISTRICT JUDGE