

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

S&S CONSTRUCTION, LLC,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:15cv712-MHT
)	(WO)
UNITED RENTALS (NORTH)	
AMERICA), INC. and UNITED)	
RENTALS, INC.,)	
)	
Defendants.)	

ORDER

The allegations of the plaintiff's complaint are insufficient to invoke this court's jurisdiction under 28 U.S.C. § 1332(d). To invoke jurisdiction based on diversity, a complaint must distinctly and affirmatively alleged each party's citizenship. McGovern v. American Airlines, Inc., 511 F. 2d 653, 654 (5th Cir. 1975) (per curiam).*

* 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.

The complaint here is insufficient because it does not indicate the citizenship of a party that is a 'limited liability company': S&S Construction, LLC. "[L]ike a limited partnership, a limited liability company is a citizen of any state of which a member of the company is a citizen." Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1022 (11th Cir. 2004). The complaint must therefore allege "the citizenships of all the members of the limited liability company." Id. (And if the entity consists of several entities, the complaint must reflect the citizenship, or citizenships, of each and every entity based on the nature of that entity.)

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiff has seven days from the date of this order 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 23rd day of November, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE