IN THE DISTRICT COURT OF THE UNITED STATES FOR THE

MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

U.S. BANCORP EQUIPMENT FINANCE, INC., a corporation,	)	
Plaintiff,	)	
v.	)	CIVIL ACTION NO. 3:05cv481-T (WO)
R & R FREIGHT COMPANY, INC., a corporation, and WILLIAM A. ROBERTS,	)	
Defendants.	)	

ORDER

The allegations of the plaintiff's complaint are insufficient to invoke this court's diversity-of-citizenship jurisdiction. The allegations must show that the citizenship of each plaintiff is different from that of each defendant. 28 U.S.C.A. § 1332.

The plaintiff's complaint fails to meet this standard. The complaint gives the "residence" rather than the "citizenship" of defendant William A. Roberts. An allegation that a party is a "resident" of a State is not

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sufficient to establish that a party is a "citizen" of that State. Delome v. Union Barge Line Co., 444 F.2d 225, 233 (5th Cir.), cert. denied, 404 U.S. 995, 92 S.Ct. 534 (1971).

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiff has until June 14, 2005, to amend the complaint to allege jurisdiction sufficiently; otherwise this lawsuit shall be dismissed without prejudice.

DONE, this the 31st day of May, 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE