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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BARRY WRIGHT,)	CASE NO. CV 10-00451 RZ
)	
Plaintiff,)	
)	ORDER TO SHOW CAUSE WHY
vs.)	ACTION SHOULD NOT BE
)	DISMISSED FOR LACK OF SUBJECT
PFIZER, INC., ET AL.,)	MATTER JURISDICTION
)	
Defendants.)	
_____)	

Federal courts are courts of limited jurisdiction, and if subject matter jurisdiction does not affirmatively appear, federal courts are presumed to lack jurisdiction. *National Treasury Employees Union v. Federal Labor Relations Authority*, 112 F.3d 402, 403 (9th Cir. 1997), citing *General Atomic Co. v. United Nuclear Corp.*, 655 F.2d 968, 968-69 (9th Cir. 1981). Corporations have dual citizenship; they are citizens of the state in which they are incorporated, and they also are citizens of the state in which they have their principal place of business, 28 U.S.C. § 1332(c)(1); and both states of citizenship must be alleged in the Complaint. Plaintiff alleges that Defendant Pfizer is “a Delaware corporation” with its principal place of business in New York. The allegation that a corporation is “a Delaware corporation” is not sufficient to allege the state in which the corporation is incorporated. *Fifty Associates v. Prudential*, 446 F.2d 1187 (9th Cir. 1970).

1 Accordingly, the dual citizenship of this defendant does not affirmatively appear from the
2 pleadings.

3 It is therefore ordered that Plaintiff shall show cause in writing, not later than
4 February 3, 2010, why this action should not be dismissed for lack of subject matter
5 jurisdiction. The filing of an amended complaint within that time, correcting the
6 jurisdictional defect, shall discharge this Order to Show Cause.

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8 DATED: January 25, 2010

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13 RALPH ZAREFSKY
14 UNITED STATES MAGISTRATE JUDGE
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