

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ORVILLE BAILEY,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 08-0600-KD-M
)	
S & S RECOVERY SERVICES, LLC,)	
)	
Defendant.)	

ORDER

This matter is before the Court on a *sua sponte* review of its jurisdiction in this matter. See Alabama Power Co. v. U.S. Dept. of Energy, 307 F.3d 1300, 1308 (11th Cir. 2002) (A court has an independent duty to examine its own jurisdiction); accord University of South Alabama v. American Tobacco Co., 168 F.3d 409, 411 (11th Cir. 1999).

This action was removed to federal court by defendant S & S Recovery Services, LLC, on basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332. S & S alleges that it is a limited liability corporation organized under the laws of Arkansas with its principal place of business in Arkansas and that plaintiff Orville Bailey is a citizen of Baldwin County, Alabama.

However, for diversity of citizenship purposes, a limited liability company such as S & S, is a citizen of any state of which a member of the company is a citizen. See Rolling Greens MHP, L.P. v. Comcast SCH Holdings, LLC, 374 F. 3d 1020, 1023 (11th Cir. 2004) (“The federal appellate courts that have answered this question have all answered it in the same way: like a limited partnership, a limited liability company is a citizen of any state of which a member of the company is a citizen. We join them in this holding.”) In the notice of removal, S & S does

not identify its members or allege their citizenship. That information is necessary for the undersigned to determine whether this action is properly before this Court on the basis of diversity jurisdiction.

Accordingly, defendant S & S is **ORDERED** to supplement its notice of removal on or before **April 24, 2009**, to identify the members of S & S Recovery Services, LLC, along with their respective citizenship and to properly allege diversity jurisdiction.

DONE this the 10th day of April, 2009.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE