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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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<p>9 Ensenda, Inc.,</p> <p>10 Plaintiff,</p> <p>11 vs.</p> <p>12 Diamondback Delivery Corporation,</p> <p>13 Defendant.</p> <hr style="width: 100%;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. CV 06-2705-PHX-JAT</p> <p>ORDER</p>
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16 The complaint in this case alleges jurisdiction based on diversity. In this case, both

17 plaintiff and defendant are corporations. A corporation is a citizen of every state in which

18 it is incorporated and the state where it has its principal place of business. *Industrial*

19 *Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir. 1990) (citing 28 U.S.C. § 1332(c)).

20 In the Ninth Circuit, a corporation’s principal place of business is defined as the location

21 where a majority of the corporation's business activity takes place. *Id.* at 1094. If there is

22 not a state where a substantial portion of the corporation's business activity occurs, then the

23 corporation is a resident of the state where the corporations executive and administrative

24 functions are performed. *Id.* The burden of proving the facts supporting jurisdiction is on

25 the party asserting jurisdiction. *Id.* at 1092 (citations omitted).

26 The complaint in this case does not allege a principal place of business for either

27 plaintiff or defendant. Federal courts may raise the issue of jurisdiction sua sponte. *Galvez*

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1 v. *Kuhn*, 933 F.2d 773, 775 n.4 (9th Cir. 1991). Because the Court cannot determine whether
2 diversity exists, the Court will require Plaintiff to file an amended complaint.

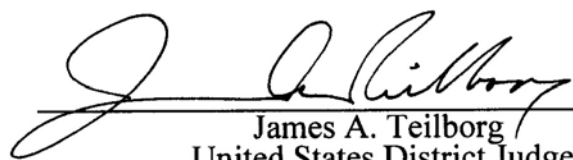
3 Next, Plaintiff alleges, without more, that "The amount in controversy exceeds the
4 minimum jurisdictional threshold of the Court." Complaint at 1. "Generally, the amount in
5 controversy is determined from the face of the pleadings." *Crum v. Circus Circus*
6 *Enterprises*, 231 F.3d 1129, 1131 (9th Cir. 2000). In this case, Plaintiff has failed to allege
7 any facts to support an amount in controversy. Therefore, the Court will require Plaintiff to
8 amend the complaint for this additional reason.

9 Based on the forgoing,

10 **IT IS ORDERED** that by noon, November 21, 2006, Plaintiff shall file an amended
11 complaint which cures the jurisdictional defects of the pending complaint, or this case will
12 be dismissed for lack of federal subject matter jurisdiction.

13 **IT IS FURTHER ORDERED** that, earlier today the Court ordered Plaintiff to
14 prepare an inventory of the cargo at issue in the motion for temporary restraining order, this
15 inventory shall also include an approximated value of each item for purposes of determining
16 the amount of the bond to be posted. *See* Fed. R. Civ. Pro. 65(c).

17 DATED this 20th day of November, 2006.

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21 James A. Teilborg
22 United States District Judge
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