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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Virginia Surety Insurance Company,

No. CV 09-928-PHX-JAT

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Plaintiff,

**ORDER**

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vs.

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RSUI Indemnity Company,

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Defendant.

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“Inquiring whether the court has jurisdiction is a federal judge’s first duty in every case.” *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 693 (7<sup>th</sup> Cir. 2003). In this case, the complaint fails to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332; *Industrial Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9<sup>th</sup> Cir. 1990) (a corporation is a citizen of every state in which it is incorporated and the state where it has its principal place of business).<sup>1</sup>

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Accordingly,

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**IT IS ORDERED** that by May 22, 2009, Plaintiff shall file an amended complaint properly alleging federal subject matter jurisdiction, or this case will be dismissed without prejudice for lack of federal subject matter jurisdiction.

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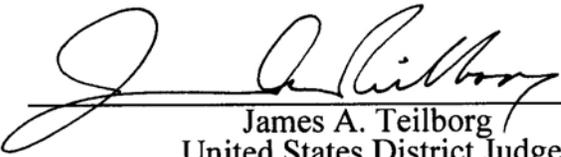
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<sup>1</sup> The words “do business” “write insurance” and “resides” do not plead state of incorporation or principal place of business.

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**IT IS FURTHER ORDERED** that the amended complaint shall not include fictitiously-named defendants unless Plaintiff shows cause to allow them. *See Craig v. U.S.*, 413 F.2d 854, 856 (9<sup>th</sup> Cir. 1969).

DATED this 7<sup>th</sup> day of May, 2009.

  
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James A. Teilborg  
United States District Judge