

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

7

8

9

Winfield Solutions LLC,

No. CV 09-1778-PHX-JAT

10

Plaintiff,

ORDER

11

vs.

12

Henry Lopez,

13

Defendant.

14

15

16

“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 (7th Cir. 2003). In this case, the Complaint pleads jurisdiction of the Plaintiff limited liability company by saying, “None of Winfield’s members are citizens of the state of Arizona.” Doc. #1 at 1. The Complaint says Defendant is “currently residing” in Arizona. *Id.* The Complaint further alleges that this Court has jurisdiction based on diversity.

22

While the allegations in the Complaint are not inconsistent with this Court having diversity jurisdiction, they are insufficient for this Court to affirmatively conclude that the Court has jurisdiction. Specifically, the Court needs to know the identity of each member of the limited liability company and where each member resides. *See Johnson v. Columbia Properties Anchorage, L.P.*, 437 F.3d 894, 899 (9th Cir. 2006). The Court also must know the citizenship of the defendant. *See Kanter v. Warner-Lambert*, 265 F.3d 853, 857-858 (9th Cir. 2001) (discussing the difference between residency and citizenship).

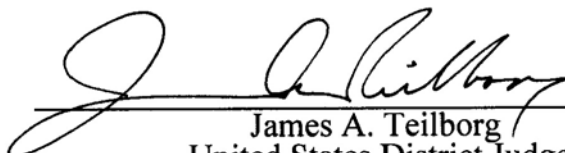
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly,

IT IS ORDERED that by September 28, 2009, Plaintiff (who is the party asserting jurisdiction and therefore the party with the burden of pleading jurisdiction, *see Industrial Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir. 1990)) shall file an amended complaint completely alleging federal subject matter jurisdiction, or this case will be dismissed without prejudice for lack of federal subject matter jurisdiction.

DATED this 9th day of September, 2009.



James A. Teilborg
United States District Judge