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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Automotive Holdings LLC,

No. CV 09-1843-PHX-JAT

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Plaintiff,

**ORDER**

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vs.

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Phoenix Corners Portfolio, LLC, et al.

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Defendants.

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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 notice of removal fails to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332; *Johnson v. Columbia Properties Anchorage*, 437 F.3d 894, 899 (9<sup>th</sup> Cir. 2006) (discussing citizenship of limited liability companies).

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Accordingly,

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**IT IS ORDERED** that by October 23, 2009, Defendant (as the party asserting jurisdiction and therefore, with the burden of pleading jurisdiction, *see Industrial Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9<sup>th</sup> Cir. 1990)) shall file an amended notice of removal properly alleging federal subject matter jurisdiction, or this case will be remanded for lack of federal subject matter jurisdiction.<sup>1</sup>

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<sup>1</sup> The amended notice of removal must contain all jurisdictional allegations sufficient to plead jurisdiction in one document and should not anticipate that the Court will read any

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