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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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OWNERS INSURANCE COMPANY,)

No. CV 09-2578-PHX-JAT

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Plaintiff,)

ORDER

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vs.)

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LEWIS & WALRAVEN ENTERPRISES,)
INC., BERNARD M. CYGAN, and)
GERALDINE P. CYGAN,)

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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 (7th 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 (9th Cir. 1990) (discussing the citizenship of a corporation); *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857-58 (9th Cir. 2001) (discussing the citizenship of an individual).

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Accordingly,

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IT IS ORDERED that by January 27, 2010, Plaintiff (who is the party asserting jurisdiction and therefore the party with the burden of pleading jurisdiction, *see Industrial Tectonics*, 912 F.2d at 1092) 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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