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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Chad Everett Broadnax,

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No. CV 11-0478-PHX-JAT

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Plaintiff,

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ORDER

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vs.

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Lorena Garcia Ramirez; Leonard W. Deehan,

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Defendants.

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16 Pending before the Court is Plaintiff’s motion to proceed in forma pauperis. Before
17 the Court considers that motion, however, the Court will first consider it has jurisdiction to
18 hear this case. *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691,
19 693 (7th Cir. 2003) (“Inquiring whether the court has jurisdiction is a federal judge’s first
20 duty in every case.”).

21

22 Federal courts are courts of limited jurisdiction. As a result, they can hear only those
23 cases that the Constitution and Congress have authorized them to adjudicate: namely, cases
24 involving diversity of citizenship, a federal question, or cases to which the United States is
25 a party. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The party
26 asserting jurisdiction bears the burden of proving a jurisdictional basis exists. *Id.* In this
27 case, because Plaintiff filed his suit in federal district court, he must show that the federal
28 court is authorized to hear the case.

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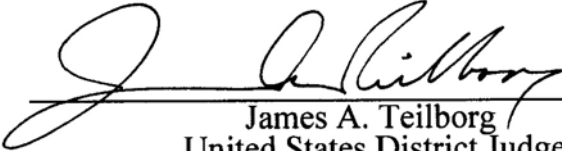
Plaintiff states that jurisdiction is base on 28 U.S.C. § 1332, which is the diversity

1 statute. However, Plaintiff fails to allege his state of citizenship, or the citizenship of either
2 Defendant.¹ Accordingly, Plaintiff will be given the opportunity to amend his complaint to
3 allege the state of citizenship of each party.

4 Therefore,

5 IT IS ORDERED that Plaintiff shall file an amended complaint by April 15, 2011,
6 alleging the state of citizenship of each party to establish diversity jurisdiction or this case
7 will be dismissed, without prejudice, for lack of federal subject matter jurisdiction.

8 DATED this 18th day of March, 2011.

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12 James A. Teilborg
13 United States District Judge
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27 ¹ Plaintiff does state that he is a citizen of the United States, and that Defendant
28 Ramirez is from Mexico, but this type of citizenship allegation is not sufficient under the
diversity statute.