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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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John S. Charochak and Leonora)
Charochak,

No. CV 12-1297-PHX-JAT

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Plaintiffs,

ORDER

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vs.

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Secura Supreme Insurance 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 (7th Cir. 2003). In this case, the notice of removal fails to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332; *Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1192; - - - U.S. - - - (2010); *Carden v. Arkoma Associates*, 494 U.S. 185, 195-96 (1990).

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Specifically, Defendant claims it is a “foreign” corporation with it principal place of business in Wisconsin. However, the caption does not reflect that Defendant is a corporation.¹ Further, even if Defendant is a corporation, it must allege its state of incorporation.

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¹ “The citizenship of an unincorporated insurance association or unincorporated reciprocal of interinsurance exchange is determined not by the citizenship of its policyholders, but by the citizenship of its members.” 1 Fed. Proc., L. Ed. § 1:173 (footnotes omitted).

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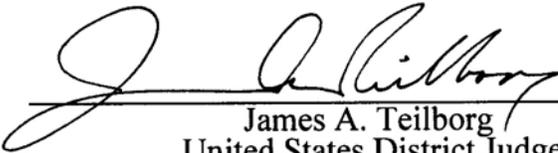
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Accordingly,

IT IS ORDERED that by July 20, 2012, Defendant 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.

DATED this 13th day of July, 2012.



James A. Teilborg
United States District Judge