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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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David Ortiz,

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No. CV 13-2097-PHX-JAT

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Plaintiff,

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ORDER

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vs.

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Zurich American Insurance Company;
Sedgwick CMS, Inc.; Kelly Thompson,

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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(c)(1); *Hertz Corp. v. Friend*, 559 U.S. 77, 80, 92-93 (2010) (discussing the citizenship of a corporation).

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Accordingly,

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IT IS ORDERED that by December 23, 2013, Plaintiff shall file a supplement to the 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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IT IS FURTHER ORDERED that XYZ Corporations and John Does 1-26 are dismissed because the Federal Rules of Civil Procedure do not permit the use of fictitious Defendants. *See, e.g.*, Fed. R. Civ. P. 10(a); *Craig v. U.S.*, 413 F.2d 854, 856 (9th Cir.), cert.

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1 denied, 396 U.S. 987 (1969); *Molnar v. Nat'l Broadcasting Co.*, 231 F.2d 684, 686-87 (9th
2 Cir. 1956).

3 DATED this 9th day of December, 2013.

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7 **James A. Teilborg**
8 **Senior United States District Judge**

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