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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Bradley E. Holt,

10 Plaintiff,

11 v.

12 Citigroup Incorporated, et al.,

13 Defendants.

No. CV-13-02648-PHX-JAT

ORDER

14 On December 30, 2013, Plaintiff filed a complaint and an application to proceed in
15 forma pauperis. “Inquiring whether the court has jurisdiction is a federal judge’s first
16 duty in every case.” *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350
17 F.3d 691, 693 (7th Cir. 2003).

18 In this case, Plaintiff alleges jurisdiction based on diversity. Doc. 1 at 2. Diversity
19 jurisdiction requires complete diversity between all plaintiffs and all defendants.
20 *Caterpillar v. Lewis*, 386 U.S. 523, 531 (1996).

21 Here, Plaintiff alleges that he is a resident (and presumably a citizen) of Tempe,
22 Arizona. Doc. 1 at 1. Plaintiff further alleges that Defendant Bursey and Associates is a
23 professional corporation that is a citizen of Tucson, Arizona. *Id.* at 2. Based on these
24 allegations, there is not diversity between all parties.

25 Additionally, the complaint alleges a single count of negligence, based on Arizona
26 state law. Therefore, there is also not federal subject matter jurisdiction.

27 Based on the foregoing,

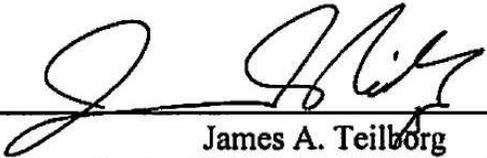
28 **IT IS ORDERED** dismissing the complaint, without prejudice, for lack of subject

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matter jurisdiction; the Clerk of the Court shall enter judgment accordingly.

IT IS FURTHER ORDERED that the motion to proceed in forma pauperis (Doc. 2) is denied.

Dated this 22nd day of January, 2014.



James A. Teilborg
Senior United States District Judge