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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Serguei Silaev,

) No. CV 14-2551-PHX-JAT

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Plaintiff,

) **ORDER**

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vs.

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Swiss-America Trading Corp.,

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Defendant.

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On December 16, 2014, this Court issued the following Order:

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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 (7<sup>th</sup> Cir. 2003). In this case, the notice of removal fails to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332; *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 30, 2014, Defendant shall file a supplement to the notice of removal properly alleging federal subject matter jurisdiction, or this case will be remanded for lack of federal subject matter jurisdiction.

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**IT IS FURTHER ORDERED** that, within 30 days of the notice of removal, Plaintiff may move to remand because a resident defendant cannot remove a case to federal court based on diversity jurisdiction. 28 U.S.C. § 1441(b)(2) (“A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”).

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Doc. 9.

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