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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Serguei Silaev,

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No. CV 14-2551-PHX-JAT

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Plaintiff,

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ORDER

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vs.

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Swiss-America Trading Corp.,

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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*, 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

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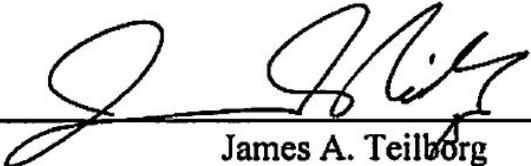
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1 if any of the parties in interest properly joined and served as defendants is a citizen of the
2 State in which such action is brought.”).

3 DATED this 16th day of December, 2014.

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

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