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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Marshall Ben,

Plaintiff,

v.

Union Pacific Railroad Company; Limon
Hospitality, LLC; Bruce Rahmani; et al.,

Defendants.

No. CV-15-02123-PHX-NVW

ORDER TO SHOW CAUSE

The Notice of Removal (Doc. 1) fails to adequately allege subject matter and removal jurisdiction.

The Notice of Removal claims the Court has original jurisdiction over the action under 28 U.S.C. § 1332. But it does not allege the state of principal place of business of Defendant Union Pacific Railroad Company. *Breitman v. May Co. California*, 37 F.3d 562, 564 (9th Cir. 1994). Nor does it allege the identity and citizenship of every member of Defendant Limon Hospitality, LLC, which it claims is a limited liability company. *See Sonoma Falls Developers, LLC v. Nevada Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 921-23 (N.D. Cal. 2003).

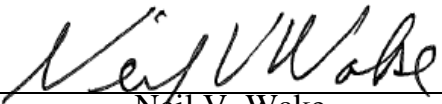
The Notice of Removal also claims this action may be removed under 28 U.S.C. § 1441(a). But it does not allege that all Defendants have joined in or consented to the removal. 28 U.S.C. § 1446(b)(2)(A). Nor does it explain how Defendant Union Pacific Railroad Company can join in the removal now, given that the time to remove appears to

1 have expired. 28 U.S.C. § 1446(b)(2)(B). Nor does it explain how this action can be
2 removed at all, given that this action appears to be a civil action in a state court against a
3 railroad arising under the Federal Employers' Liability Act, 45 U.S.C. §§ 51 *et seq.* 28
4 U.S.C. § 1445(a).

5 These omissions matter because Defendants bear the burden of establishing
6 federal jurisdiction and the removal statute is strictly construed against removal
7 jurisdiction. *Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1195 (9th Cir. 1988).

8 IT IS THEREFORE ORDERED that Defendants Limon Hospitality, LLC and
9 Bruce Rahmani show cause by November 6, 2015, why this action should not be
10 remanded to the Superior Court.

11 Dated this 29th day of October, 2015.

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15 Neil V. Wake
16 United States District Judge
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