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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 New Enterprises Limited,

10 Plaintiff,

11 v.

12 SenesTech Incorporated and Roth Capital
13 Partners LLC,

14 Defendants.

No. CV-18-08033-PCT-JAT

ORDER

15 This case was transferred to the undersigned approximately two months after it
16 was filed. At that time, the Court noted that the civil cover sheet stated that this Court's
17 jurisdiction is based on a federal question. (Doc. 1-1). However, upon closer review of
18 the complaint, the Court discovered that jurisdiction is claimed to exist based solely on
19 diversity, 28 U.S.C. § 1332. (Doc. 1 at 3). "Inquiring whether the court has jurisdiction
20 is a federal judge's first duty in every case." *Belleville Catering Co. v. Champaign*
21 *Market Place, L.L.C.*, 350 F.3d 691, 693 (7th Cir. 2003).

22 Here, the complaint fails to plead diversity jurisdiction. First, Plaintiff, which is a
23 Trust (*see* Doc. 1 at 2) fails to properly plead the citizenship of a trust. *Compare Navarro*
24 *Savings Assoc. v. Lee*, 446 U.S. 458, 465-66 (1980) *with Americold Realty Trust v.*
25 *Conagra Foods, Inc.*, 136 S.Ct. 1012, 1016-17 (2016). Thus, Plaintiff must clarify
26 whether it is the type of trust discussed in *Navarro* versus *Americold* and then properly
27 allege citizenship accordingly. Second, Plaintiff fails to properly allege the citizenship of
28 Roth Capital Partners, LLC. *See Johnson v. Columbia Properties Anchorage, L.P.*, 437

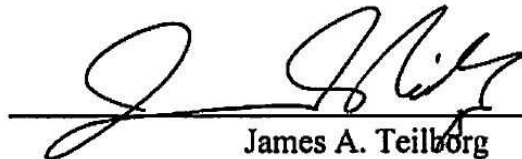
1 F.3d 894, 899 (9th Cir. 2006) (holding that a limited liability company takes on the
2 citizenship of each of its members).

3 Accordingly, Plaintiff has failed to establish that federal subject matter jurisdiction
4 exists in this court. Therefore,

5 **IT IS ORDERED** that Plaintiff must show cause why this case should not be
6 dismissed for lack of federal subject matter jurisdiction. To satisfy this show cause,
7 Plaintiff must file a supplement to the complaint by June 15, 2018 establishing federal
8 subject matter jurisdiction, or this case will be dismissed without prejudice.

9 **IT IS FURTHER ORDERED** that Michael DiGiacomo must amend the civil
10 cover sheet to be consistent with the complaint.

11 Dated this 7th day of June, 2018.

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17 James A. Teilborg
18 Senior United States District Judge
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