

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ROBERT G. CHANCELLOR and
JIMMIE DEE CHANCELLOR

PLAINTIFFS

v.

Case No. 2:11-CV-02255

UNITED-BILT HOMES, LLC

DEFENDANT

ORDER

In an Order dated May 23, 2012 (Doc. 18), the Court raised *sua sponte* the issue of whether the Court has subject matter jurisdiction over the claims asserted in this case. Subject matter jurisdiction and the issue of this Court's authority to hear this action may be raised at any time. Fed. R. Civ. P. 12(h)(3). Defendant United-Bilt Homes, LLC conceded in a Response to the Court's Order to file clarifying documentation (Doc. 19) that several of Defendant's members are, in fact, citizens of Arkansas, and therefore, Defendant cannot show complete diversity of citizenship as the basis for removal of this action to federal court. 28 U.S.C. § 1332(a); *OnePoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007) ("An LLC's citizenship, for purposes of diversity jurisdiction, is the citizenship of each of its members"). Accordingly, as the Court lacks subject matter jurisdiction over this dispute by virtue of the lack of complete diversity of citizenship between the parties, this case is hereby REMANDED to the Circuit Court of Sebastian County, Arkansas.

IT IS SO ORDERED this 24th day of May, 2012.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE