

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JODY D. KIMBRELL,

Plaintiff,

v.

POIPU HOLDINGS, LLC,

Defendant.

Case No. 2:24-cv-08590-SB-PD

ORDER TO SHOW CAUSE RE
SUBJECT-MATTER
JURISDICTION

Plaintiff Jody D. Kimbrell filed the complaint in this conversion and fraud case on October 3, 2024, invoking the Court's diversity jurisdiction. Dkt. No. 1.

Federal courts have subject-matter jurisdiction only over matters authorized by the Constitution and Congress. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994). This Court has a duty to assess whether federal subject-matter jurisdiction exists and may consider the issue sua sponte at any stage of the proceedings. *Allstate Ins. Co. v. Hughes*, 358 F.3d 1089, 1093 (9th Cir. 2004); *see also Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999) (recognizing that "Article III generally requires a federal court to satisfy itself of its jurisdiction over the subject matter before it considers the merits of a case").

A federal district court has original jurisdiction over a civil action when there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). Complete diversity means that each of the plaintiffs must be a citizen of a different state than each of the defendants. *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996).

In the complaint, Plaintiff identified Defendant as a California limited liability company. Dkt. No. 1 at 2. But the citizenship of a limited liability company is determined by the citizenship of each of its members, and Plaintiff

offers no allegations as to the citizenship of Defendant's members. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

Plaintiff needs to show that diversity is complete as to all Defendant's members. Accordingly, Plaintiff is ORDERED to show cause, in writing, by no later than December 6, 2024, why the Court has jurisdiction over this case by demonstrating complete diversity of citizenship between the parties. *Failure to timely comply will result in remand.*

Date: November 25, 2024



Stanley Blumenfeld, Jr.
United States District Judge