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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ACCENTURE LLP,

No. C-05-2929 MMC

Plaintiff,

**ORDER DISMISSING ACTION FOR
LACK OF SUBJECT MATTER
JURISDICTION, WITH LEAVE TO
AMEND**

v.

DAVID NIU,

Defendant.

Before the Court is the complaint filed July 19, 2005 by plaintiff Accenture LLP (“Accenture”) against defendant David Niu (“Niu”). Accenture alleges that this Court has diversity jurisdiction over the instant action pursuant to 28 U.S.C. § 1332 because Accenture is “an Illinois general partnership registered as a limited liability partnership,” with offices in California, and Niu is a resident of the state of Washington. (See Compl. ¶¶ 1, 2, 5.)

Accenture fails to adequately allege the citizenship of the parties. In particular, the Court notes that the Supreme Court has held that a partnership is a citizen of all states in which one or more of its general or limited partners is a citizen. See Carden v. Arkoma Associates, 494 U.S. 185, 195-96 (1990). As Accenture has not alleged the citizenship of each of its partners, it has not adequately alleged that this Court has subject matter

1 jurisdiction over the instant action.

2 Accordingly, the instant action is hereby DISMISSED for failure to adequately allege
3 subject matter jurisdiction, with leave to file an amended complaint no later than Friday
4 August 12, 2005. If Accenture fails to file a timely amended complaint, the Court will
5 dismiss the action, without prejudice to Accenture's pursuing the claims alleged herein in
6 state court.

7 **IT IS SO ORDERED.**

8 Dated: July 22, 2005

/s/ Maxine M. Chesney _____
MAXINE M. CHESNEY
United States District Judge

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