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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HOLMAN BUILDING ASSOCIATES,
LP,

Plaintiff,

v.

AMCO INSURANCE COMPANY,

Defendant.

Case No. 17-cv-00899 NC

**ORDER TO SHOW CAUSE
REGARDING SUBJECT MATTER
JURISDICTION**

Re: Dkt. No. 1

Defendant AMCO Insurance Company removed this case from Monterey County Superior Court on February 22, 2017, on the basis of diversity jurisdiction. Dkt. No. 1. AMCO is an Iowa corporation, and plaintiff Holman Building Associates, LP, is a limited partnership. *Id.* at 3.

The federal courts are courts of “limited jurisdiction” and only have jurisdiction as authorized by the Constitution and Congress. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). The Court must presume a lack of jurisdiction until the party asserting jurisdiction establishes otherwise. *Scott v. Breeland*, 792 F.2d 925, 927 (9th Cir. 1986). The asserted source of subject matter jurisdiction here is diversity jurisdiction. “Diversity jurisdiction” is assessed under 28 U.S.C. § 1332. The court considers the citizenship of each party to the lawsuit, and there must be “total diversity” of citizenship between each plaintiff and each defendant and the amount in controversy must exceed

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\$75,000. In determining whether diversity jurisdiction exists, the Court must consider the citizenship of all partners in a limited partnership. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195 (1990); *Grupo Dataflux v. Atlas Glob. Grp., L.P.*, 541 U.S. 567, 569 (2004).

Here, based on the removal papers, it is unclear that all of the partners in the Holman partnership are diverse from AMCO, an Iowa corporation, with its principal place of business in Iowa. There is no question regarding the amount in controversy. Dkt. No. 1 at 3. Thus, the Court ORDERS AMCO to respond to this order, presenting facts to the Court demonstrating that each member of the Holman limited partnership is diverse from AMCO. This response must be filed by March 3, 2017.

IT IS SO ORDERED.

Dated: February 24, 2017



NATHANAEL M. COUSINS
United States Magistrate Judge