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7   UNITED STATES DISTRICT COURT

8   NORTHERN DISTRICT OF CALIFORNIA

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10   CRISTIAN ALVARADO,

11   Plaintiff,   Case No. 17-cv-04655 NC

12   v.   **ORDER TO SHOW CAUSE REGARDING DEFECTIVE REMOVAL**

13   360 MORTGAGE GROUP, LLC,

14   Defendant.   Re: Dkt. No. 1

15
16   Defendant 360 Mortgage Group, LLC removed this case from California state court

17   on the basis of diversity jurisdiction. Dkt. No. 1 at 3. It is the Court's duty to examine

18   whether it has subject matter jurisdiction over any case before it.

19   Federal courts are courts of limited jurisdiction and are presumptively without

20   jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The

21   defendant has the burden of showing removal of a state court action to federal court is

22   appropriate. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). Removal of a state

23   court action to federal court is appropriate only if the federal court would have had original

24   subject matter jurisdiction over the suit. 28 U.S.C. § 1441(a).

25   It is not clear that diversity of citizenship exists here, and so the existence of subject

26   matter jurisdiction is uncertain. This is because defendant is a limited liability company,

27   and the citizenship of each member of the company must be considered in the diversity

28   analysis. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195 (1990); *Johnson v. Columbia*

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Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006). Defendant did not inform

the Court of the citizenship of the LLC's members. Thus, the Court ORDERS 360

Mortgage Group to SHOW CAUSE why the Court has subject matter jurisdiction over this

case. 360 Mortgage Group must file a response to this order by September 15, 2017. That

response may not exceed 5 pages in length. Otherwise, the Court will remand this case to

California state court.

IT IS SO ORDERED.

Dated: September 1, 2017

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NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
Northern District of California