

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 17-cv-02015-RM-MJW

GERARDO VAZQUEZ-VAZQUEZ,

Plaintiff,

v.

SIMSEK SEFER, and
SEM TRUCKING, LLC,

Defendants.

ORDER

This matter is before the Court *sua sponte* upon consideration of the Notice of Removal (ECF No. 1). *See Amazon, Inc. v. Dirt Camp, Inc.*, 273 F.3d 1271, 1276 (10th Cir. 2001) (court has independent obligation to examine its own jurisdiction). Defendants removed this action from the District Court, Prowers County, Colorado alleging diversity jurisdiction. Diversity jurisdiction requires that the amount in controversy exceeds \$75,000.00 and diversity of citizenship between the parties. 28 U.S.C. § 1332. Here, Defendants allege the parties are diverse based on the following: (1) Plaintiff, an individual, resides in Kissimmee, Florida (ECF No. 1, ¶7); (2) Defendant Simsek Sefer, an individual, is a resident of the State of New York (ECF No. 1, ¶¶3, 7); and (3) Defendant Sem Trucking, LLC, is organized under the laws of the State of New York and has its principal place of business there (ECF No. 1, ¶¶6, 7.) Such allegations, however, are insufficient. Specifically, Defendant Sem Trucking, LLC is not a corporation. Instead, Defendant Sem Trucking, LLC, is a limited liability company, and “an LLC, as an unincorporated association, takes the citizenship of all its members.” *Siloam Springs*

Hotel, L.L.C. v. Century Sur. Co., 781 F.3d 1233, 1234 (10th Cir. 2015) (citations omitted). But, Defendants fail to allege the identity or citizenship of any of Defendant Sem Trucking, LLC's members. Accordingly, the Court is unable to determine the citizenship of the LLC and that complete diversity of citizenship exists.

It is therefore **ORDERED** that on or before Monday, November 6, 2017, Defendants shall **SHOW CAUSE** why this case should not be remanded from where it was removed due to this Court's lack of subject matter jurisdiction.

DATED this 30th day of October, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Raymond P. Moore', written over a horizontal line.

RAYMOND P. MOORE
United States District Judge