

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 18-cv-00345-PAB

NEIL ZUBER,

Plaintiff,

v.

MYNETTE FOLEY, M.D. and
WESTERN VALLEY FAMILY PRACTICE, P.C., a Colorado corporation,

Defendants.

ORDER TO SHOW CAUSE

This matter comes before the Court on Plaintiff's Response to the Order to Show Case [sic] [Docket No. 5]. Plaintiff Neil Zuber attaches to his response an amended complaint stating that the Court has subject matter jurisdiction over this lawsuit pursuant to 28 U.S.C. § 1332. Docket No. 5-1 at 2, ¶ 8.

On February 16, 2018, the Court entered an order to show cause stating that the "facts as presently averred . . . do not provide sufficient information regarding the citizenship of plaintiff and defendant Mynette Foley, M.D." Docket No. 4 at 2. Plaintiff added additional factual allegations regarding the citizenship of Dr. Foley to his amended complaint, Docket No. 5-1 at 2, ¶ 4, and the Court finds that those allegations are now sufficient. Plaintiff's allegations concerning his citizenship remain the same, namely, that he "resides at 385 N. Rustler's Canyon Drive in Sahuarta, Arizona, 85629." *Id.* at 1, ¶ 2; *see also* Docket No. 5-1 at 2, ¶ 8 ("Plaintiff is a resident of the State of Arizona."). As the Court previously noted, "domicile, not residency or business address,

is determinative of citizenship.” Docket No. 4 at 2 (citation omitted). The Court will provide plaintiff one further opportunity to establish the citizenship of all parties and show that the Court has subject matter jurisdiction over this action.

For the foregoing reasons, it is **ORDERED** that, on or before **5:00 p.m. on February 28, 2018**, plaintiff Neil Zuber shall show cause why this case should not be dismissed due to the Court’s lack of subject matter jurisdiction.

DATED February 26, 2018.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge