

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

HOSPITALISTS MANAGEMENT
GROUP, LLC,

Plaintiff,

v.

Case No: 2:14-cv-242-FtM-38DNF

FLORIDA MEDICAL AFFILIATES,
INC., KHALID SABHA and ANNE
RONCO,

Defendants.

ORDER¹

This matter comes before the Court on review of the Complaint ([Doc. #1](#)) filed on May 5, 2014. Plaintiff brings this case against the defendants based on diversity jurisdiction. Claims properly brought in federal court pursuant to diversity jurisdiction contain matters where the parties are completely diverse with regard to citizenship and where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. [28 U.S.C. § 1332\(a\)](#); [Morrison v. Allstate Indem. Co.](#), [228 F.3d 1255, 1261 \(11th Cir. 2000\)](#). In an action filed directly in federal court, plaintiff bears the burden of adequately pleading, and ultimately proving, jurisdiction. [King v. Cessna Aircraft Co.](#), [505 F.3d 1160, 1171 \(11th Cir. 2007\)](#).

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.


Here, Plaintiff fails to properly indicate the individual defendant's citizenship. Instead, Plaintiff relies on the individuals' residences alone rather than their domiciles to indicate citizenship. ([Doc. #1, at ¶¶ 3-5](#)). An individual is a citizen for diversity purposes where he is domiciled and not necessarily where he is a resident. Domicile is the place of an individual's true, fixed, and permanent home and to which he has the intention of returning whenever he is absent therefrom. See e.g., [Arrol v. Heron, No. 2:10-cv-655-FtM-29DNF, 2011 WL 672417, at *1 \(M.D. Fla. Feb. 17, 2011\)](#). Also, the Court is not convinced that the proper amount in controversy is present in this matter. The Complaint simply states that the matter in controversy exceeds the sum or value of \$75,000 but does not request a specific amount of damages nor explain the basis for this jurisdiction allegation. ([Doc. #1, at ¶5](#)). See generally [Morrison v. Allstate Indem. Co., 228 F.3d 1255, 1261-62 \(11th Cir. 2000\)](#).

Accordingly, it is now

ORDERED:

Complaint ([Doc. #1](#)) is **DISMISSED without prejudice**. Plaintiff may file an amended complaint no later than **May 19, 2014** that properly alleges this Court's jurisdiction, otherwise, this matter will be closed without further notice.

DONE and **ORDERED** in Fort Myers, Florida this 5th day of May, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record