


As for the individual parties, the Notice of Removal alleges that Plaintiff Carlos Fernando Victoria is “a citizen of the state of Florida” because he is “an individual residing in Florida” and that Defendant Terrance West is “a citizen of the state of Maryland” because he is “an individual residing in Maryland.” Notice of Removal ¶¶ 10, 12. The Amended Complaint’s allegations are substantively no different. *See* Am. Compl. ¶ 6 (Plaintiff Victoria is “an individual residing in Miami-Dade County, Florida); *id.* ¶ 8 (Defendant West is “an individual residing in Ellicott City, Maryland”). These allegations, addressing only residence, are insufficient to establish the citizenship of these individuals. *See Travaglio*, 735 F.3d at 1269.

Therefore, the Court finds that the Defendants, as the removing parties, have failed to establish that diversity of citizenship exists in this case. That said, the Court is mindful of the Eleventh Circuit’s instruction that, prior to remanding a case for lack of subject matter jurisdiction upon the failure of a removing party to properly allege diversity, a district court must allow the removing party an opportunity to cure the deficiency. *Corp. Mgmt. Advisors Inc. v. Artjen Complexus, Inc.*, 561 F.3d 1294, 1297-98 (11th Cir. 2009). That party should be granted leave to amend its notice of removal to “‘unequivocally’ establish diversity of citizenship.” *Id.* (quoting *Armada Coal Exp., Inc. v. Interbulk, Ltd.*, 726 F.2d 1566, 1569 (11th Cir. 1984)). Accordingly, it is

ORDERED AND ADJUDGED that by **August 15, 2016**, the Defendants shall file an Amended Notice of Removal that includes sufficient allegations to unequivocally establish diversity of citizenship of the parties in this case. Failure to comply with this Order will result in remand without further notice for want of federal jurisdiction.

DONE AND ORDERED in Chambers at Miami, Florida, this 5th day of August, 2016.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE