

United States District Court  
for the  
Southern District of Florida

Filomena K. Garcia, Plaintiff, )  
v. ) Civil Action No. 21-24063-Civ-Scola  
Mount Sanai Medical Centers and )  
others, Defendants. )

## **Order Requiring Amended Complaint**

Federal courts are obligated to conduct a preliminary examination of the record to determine that jurisdiction exists. *Kelly v. Harris*, 331 F.3d 817, 819 (11th Cir. 2003). In reviewing the record, the Court is uncertain whether it has subject-matter jurisdiction over this action.

Plaintiff Filomena K. Garcia, proceeding pro se, seeks relief against Defendants Clinicare Medical Centers, Mount Sinai Medical Center, and Baptist Health South Florida for assault, negligence, and malpractice. (Compl. 1.) Since these are all state claims, the Court infers Garcia is attempting to proceed in this Court on the basis of the Court’s diversity jurisdiction. But, a party seeking to invoke a federal court’s diversity jurisdiction must allege facts that show that federal-subject-matter jurisdiction exists. *Travaglio v. Am. Express Co.*, 735 F.3d 1266, 1268 (11th Cir. 2013). “Those allegations, when federal jurisdiction is invoked based upon diversity, must include the citizenship of each party, so that the court is satisfied that no plaintiff is a citizen of the same state as any defendant.” *Id.* Here, however, Garcia has not provided any allegations whatsoever regarding either her or the three entity Defendants’ citizenships.

Accordingly, the Court is unable to ascertain whether complete diversity exists—or whether the Court might have jurisdiction on some other basis. In order to proceed with her case, Garcia must file an amended complaint which adequately alleges federal-subject-matter jurisdiction by **December 3, 2021**. If she fails to file an amended complaint by that date or the amended complaint fails to provide the **facts** necessary to establish jurisdiction, this Court may dismiss this case without prejudice.

**Done and ordered**, at Miami, Florida, on November 19, 2021.

Robert N. Scola, Jr.  
United States District Judge

*Copy, via U.S. mail, to:*

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