

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DIANE FAILOR,

Plaintiff,

v.

**CALHOUN MANAGEMENT
CORPORATION,**

Defendant.

CIVIL ACTION NO. 5:17-CV-322 (MTT)

ORDER

Defendant Calhoun Management Corporation removed this case from the State Court of Bibb County on August 22, 2017 pursuant to 28 U.S.C. § 1332, 1441, and 1446. Doc. 1 at 1. The removing party holds the burden to “establish federal subject matter jurisdiction at the time the notice of removal is filed.” *Cross v. Wal-Mart Stores, E., LP*, 2011 WL 976414, at *1 (M.D. Ga.) (citation omitted); *see also Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 752 (11th Cir. 2010) (citations omitted). The Defendant asserts this Court has diversity jurisdiction under § 1332 because the parties are citizens of different states, the Plaintiff being a citizen of Georgia and the Defendant being a citizen of South Carolina, and the amount in controversy exceeds \$75,000. Doc. 1 at 2. Under § 1332(c)(1), “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.” The Notice of Removal summarily states that the Defendant corporation is “a citizen of the State of South Carolina” but provides no basis for this assertion. Doc. 1 at 2. Accordingly, the Defendant is

ORDERED to amend its Notice of Removal to provide a basis for its assertion concerning the Defendant's citizenship, i.e., (1) the states in which the Defendant is incorporated and (2) the Defendant's principal place of business. See 28 U.S.C. §1332(c)(1).

SO ORDERED, this 30th day of August, 2017.

S/ Marc T. Treadwell
MARC T. TREADWELL
UNITED STATES DISTRICT COURT