

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

RANDY JENKINS, :
:
Plaintiff, :
:
v. : **Civil Action No.**
: **7:11-cv-73 (HL)**
BAC HOME LOAN SERVICING, L.P., :
:
Defendant. :

ORDER

The Defendant removed this case to this Court on May 31, 2011 asserting that the basis for this Court's jurisdiction was diversity.

Consistent with this Court's responsibility to examine the subject matter jurisdiction of the cases that come before it, the Court has reviewed the complaint to determine whether the diversity jurisdictional requirements in this case have been satisfied. See Morrison v. Allstate Indem. Co., 228 F.3d 1255, 1261 (11th Cir. 2000) (requiring that a district court must always answer the question of whether it has subject matter jurisdiction to hear a case, even if no party raises the question of jurisdiction by motion). Diversity jurisdiction is present when the dispute is between citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332.

Having concluded that the requirements have not been satisfied, the Court orders the Defendant to come forward with evidence showing that diversity

jurisdiction is present.

A party must distinctly and affirmatively plead citizenship. Tucker v. Thomasville Toyota, 623 F. Supp. 2d 1378, 1380 (M.D. Ga. 2008) (citations omitted). The Defendant in this case is a limited partnership. For purposes of diversity of citizenship, a limited partnership is a citizen of each state in which any of its partners, limited or general, are citizens. Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1022 (11th Cir. 2004).

Here, the Defendant has failed to properly plead its citizenship. It states that it is a Texas partnership with its principal place of business in Texas. The Defendant follows the diversity citizenship test for corporations, not limited partnerships. Accordingly, the Defendant is ordered to file with this Court evidence showing the states of citizenship for its partners no later than June 21, 2011. If it fails to do so or if any partner is a citizen of Georgia, then the case will be remanded to the Superior Court of Colquitt County, Georgia. The stay the Court imposed will remain in effect pending the Court's determination of jurisdiction.

SO ORDERED, this the 8th day of June, 2011.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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