

**IN THE
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

DANIEL M. LANGAN,
Plaintiff,

v.

CLIFFORD RASMUSSEN and
KOTTKE TRUCKING, INC.,
Defendants.

Case No. 1:15-cv-01285-JBM-JEH

Order

On July 21, 2015, the Court entered an Order ([Doc. 7](#)) explaining that the allegations of the Plaintiff's original Complaint did not sufficiently support the assertion of diversity of citizenship as the basis of the Court's subject matter jurisdiction. The Plaintiff was directed to file an amended complaint that adequately alleged the factual basis for this Court's jurisdiction. The Plaintiff accordingly filed his First Amended Complaint at Law ([Doc. 8](#)) attempting to correct the insufficient allegations of diversity jurisdiction as identified by the Court. The insufficient allegations previously identified have been corrected.

However, the First Amended Complaint now alleges that the Plaintiff is "permanently residing in the Village of Dunlap, County of Peoria, and State of Illinois, and he is a Citizen of the United States of America." The First Amended Complaint also alleges that the Defendant Rasmussen is "residing at . . . Buffalo Lake, MN, and he is a Citizen of the United States of America." While the First Amended Complaint alleges that the Plaintiff and Defendant Rasmussen are citizens of the United States of America, the First Amended Complaint does not allege the *states* of citizenship for those individuals. The citizenship of an individual is based

upon domicile, not on residence. *America's Best Inns, Inc v Best Inns of Abilene, LP*, 980 F2d 1072, 1074 (7th Cir 1992).

Also, the Plaintiff includes Defendant Rasmussen's entire address. Local Rule 5.11(A) states that "litigants must modify or partially redact certain personal data identifiers appearing in case initiating documents, pleadings, affidavits, or other papers." Local Rule 5.11(A) suggests modification to addresses to include only City and State.

Therefore, the Plaintiff is directed to file a second amended complaint that adequately alleges the factual basis for this Court's jurisdiction and that complies with Local Rule 5.11(A). The second amended complaint shall be filed within 14 days of this date.

It is so ordered.

Entered on July 24, 2015.

s/Jonathan E. Hawley
U.S. MAGISTRATE JUDGE