

E-FILEDWednesday, 29 March, 2017 09:55:39 AM
Clerk, U.S. District Court, ILCD

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

IDS PROPERTY CASUALTY
INSURANCE COMPANY d/b/a
AMERIPRISE AUTO & HOME
INSURANCE,
Plaintiff,

v.

Case No. 1:17-cv-01130-JES-JEH

ROBERT F. SCUDDER; JENNIFER L.
SMITH; JENNIFER L. SCUDDER,
Defendants.

Order

The Plaintiff, IDS Property Casualty Insurance Company, filed a Complaint in this case on March 28, 2017. (D. 1)¹ The Plaintiff's Complaint asserts diversity of citizenship as a basis of this Court's subject matter jurisdiction. *Id.* at pg. 1. The allegations of the Complaint are not sufficient to support that assertion.

The court may *sua sponte* raise the issue of federal subject matter jurisdiction. *Tylka v. Gerber Products Co.*, 211 F.3d 445, 447 (7th Cir. 2000) (citations omitted). Here, the Plaintiff alleges its principal place of business is in Wisconsin and that it "is qualified to do business in Illinois as a foreign corporation." *Id.*

A complaint based on diversity jurisdiction must allege the state of incorporation *and* principal place of business for each of the named corporations, and those allegations must be based on the state of things at the time the action

¹ Citations to the Docket in this case are abbreviated as "D. ___."

was brought. 28 USC § 1332(c)(1); *Grupo Dataflux v Atlas Global Group, LP*, 541 US 567, 570-71 (2004).

The Court may grant leave to amend defective allegations of subject matter jurisdiction pursuant to 28 U.S.C. § 1653. *See also, Leaf v. Supreme Court of State of Wis.*, 979 F.2d 589, 595 (7th Cir. 1992) (“leave to amend defective allegations of subject matter jurisdiction should be freely given”) (citations omitted). Accordingly, it is hereby ORDERED that the Plaintiff file an Amended Complaint not later than fourteen (14) days from the date of entry of this Order. In the Amended Complaint, the Plaintiff shall properly allege the basis for the Court’s jurisdiction.

It is so ordered.

Entered on March 29, 2017.

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