

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

WINGMEN V, LLC,
Plaintiff,

v.

TWOPUTT, INC.; FOURPUTT, INC;
FIVEPUTT, INC; SIXPUTT, INC;
EIGHTPUTT, INC; NINEPUTT, INC:
BWW of Peoria, LLC; BWW of
Springfield, LLC; BWW of QUINCY,
LLC; BWW of FORSYTH, LLC; BWW
of PERU, LLC; and BWW of NORTH
SPRINGFIELD, LLC,
Defendants.

Case No. 1:17-cv-01149-JES-JEH

Order

The Plaintiff, Wingmen V, LLC, filed a Complaint on April 11, 2017 (D. 1)¹, including Defendants TwoPutt, Inc., FourPutt, Inc., FivePutt, Inc., SixPutt, Inc., EightPutt, Inc., NinePutt, Inc., BWW of Peoria, LLC, BWW of Springfield, LLC, BWW of Quincy, LLC, BWW of Forsyth, LLC, BWW of Peru, LLC, and BWW of North Springfield, LLC. The Plaintiff's Complaint asserts diversity of citizenship as a basis of this Court's subject matter jurisdiction. *Id.* at pg. 3. 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). Citizenship for diversity purposes of a limited liability company is the citizenship of each of its members. *Wise v. Wachovia Securities, LLC*, 450 F.3d 265, 267 (7th Cir. 2006). The

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

Plaintiff's complaint does not identify the members of any of the LLCs or allege the citizenship of those members. Therefore, the Plaintiff's complaint is not sufficient to invoke diversity jurisdiction.

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 April 13, 2017.

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