

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL C. ENGLES,)	
)	
Plaintiff,)	
)	
v.)	No. 12 C 70
)	
SHERMAN HOSPITAL,)	
)	
Defendant.)	

MEMORANDUM ORDER

Michael Engles ("Engles") has just brought a personal injury Complaint against Sherman Hospital ("Hospital"), seeking to invoke federal jurisdiction on diversity grounds under 28 U.S.C. §1332(a).¹ But although Engles' counsel has properly identified the Hospital's dual corporate citizenship under Section 1332(c)(1) (see Complaint ¶6), Complaint ¶3 speaks only of Engles' Oklahoma residence rather than his state of citizenship.

Under such circumstances our Court of Appeals has taught in such cases as Adams v. Catrambone, 359 F.3d 858, 861 n.3 (7th Cir. 2004) that "when the parties allege residence but not citizenship, the district court must dismiss the suit." But this Court has no desire to pursue that Draconian course, given what would seem to be the probability that Oklahoma is Engles' state of citizenship as well as his residence.

Accordingly Engles is granted leave to file an appropriate

¹ All further references to Title 28's provisions will simply take the form "Section--."

amendment to his Complaint (not a full-blown Amended Complaint) on or before January 19, 2012, failing which this Court would indeed be constrained to dismiss this action for lack of subject matter jurisdiction. Because of the seeming likelihood that the present flaw can be cured, this Court is contemporaneously issuing its customary initial scheduling order.



Milton I. Shadur
Senior United States District Judge

Date: January 10, 2012