

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

REBECCA RICHARDSON and
ERIC STADLER,

Plaintiffs,

v.

GRANITE CITY HOTEL AND
RESORTS, L.L.C., SASAK CORPORATION,
and ANKIT PATEL,

Defendants.

Case No. 14-cv-01135-JPG/SCW

MEMORANDUM AND ORDER

In light of Seventh Circuit Court of Appeals admonitions, *see Foster v. Hill*, 497 F.3d 695, 696-97 (7th Cir. 2007), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. *See Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (noting courts' "independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it"). The Court has noted the following defect in the jurisdictional allegations of the Complaint (Doc. 2) filed by the Plaintiffs:

1. **Failure to allege a federal question under 28 U.S.C. § 1331.** The Complaint cites jurisdiction under 29 U.S.C. § 1331 and no such statute exists. Plaintiffs also cite to jurisdiction under 29 U.S.C § 216(b) - which pertains to wages earned prior to July 20, 1949 and is not applicable in this matter.

The Complaint further cites to 28 U.S.C. § 1332(d)(2) and/or 1367. It is noted that 28 U.S.C. § 1332(d)(2) pertains to class actions and there is no indication that this matter is being brought on behalf of any persons other than the named Plaintiffs. Finally, the Complaint fails to provides the citizenship of the parties.

Therefore, the Court hereby **ORDERS** Plaintiffs to **SHOW CAUSE** on or before

November 12th, 2014, why this case should not be dismissed for lack of jurisdiction. Failure to respond to this order may result in dismissal without prejudice.

IT IS SO ORDERED.

DATED: 10/27/2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE