

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

PHILIP AUSTIN,

Plaintiff

v.

No. 15-0866-DRH

**RENDA WEST,
VENTSISLAV KRAMOLINSKI,
and IMG TRUCKING, INC.,**

Defendants.

MEMORANDUM and ORDER

HERNDON, District Judge:

On August 6, 2015, plaintiff filed suit against defendants based on diversity jurisdiction, 28 U.S.C. § 1332 (Doc. 1). However, a review of the complaint reveals that plaintiff alleged residency rather than citizenship in his complaint. “[R]esidence and citizenship are not synonyms and it is the latter that matters for purposes of the diversity jurisdiction.” *Meyerson v. Harrah's E. Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002). *See also Tylka v. Gerber Prods. Co.*, 211 F.3d 445, 448 (7th Cir. 2000) (“[A]llegations of residence are insufficient to establish diversity jurisdiction.”); *Held v. Held*, 137 F.3d 998, 1000 (7th Cir. 1998) (same). Thus, the Court **DISMISSES without prejudice** plaintiff’s complaint. The Court **ALLOWS** plaintiff up to and including August 26, 2015 to file an amended

complaint that comports with this Order.

IT IS SO ORDERED.

Signed this 12th day of August, 2015.

David R. Herndon



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David R. Herndon

Date: 2015.08.12
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United States District Judge