

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

JANET L. LAYNE,

Plaintiff,

v.

No. 15-0903-DRH

OTIS ELEVATOR COMPANY,

Defendant.

MEMORANDUM and ORDER

HERNDON, District Judge:

On August 14, 2015, plaintiff filed suit against defendant 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 her 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 September 2, 2015 to file an amended

complaint that comports with this Order.

IT IS SO ORDERED.

Signed this 18th day of August, 2015.

David R. Herndon



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David R. Herndon
Date: 2015.08.18
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United States District Judge