

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

S.J. LOUIS CONSTRUCTION OF
TEXAS, LTD.

CIVIL ACTION

VERSUS

NUMBER 14-566-JJB-SCR

CITY OF BATON ROUGE AND
PARISH OF EAST BATON ROUGE

ORDER TO AMEND COMPLAINT

Plaintiff filed a Complaint and Demand for Trial by Jury asserting subject matter jurisdiction under 28 U.S.C. § 1332, diversity of citizenship. Plaintiff alleged that it "is a Texas Limited Liability Partnership organized and existing under the laws of Texas with its principal place of business in Texas."

When jurisdiction depends on citizenship, the citizenship of each party must be distinctly and affirmatively alleged in accordance with § 1332(a) and ©).¹ For purposes of diversity jurisdiction under 28 U.S.C. § 1332, the citizenship of a partnership is determined by considering the citizenship of all its partners.² Thus, to properly allege its citizenship the plaintiff must identify its partners and the citizenship of each partner in

¹ *Stafford v. Mobil Oil Corp.*, 945 F.2d 803, 804 (5th Cir. 1991), citing, *McGovern v. American Airlines, Inc.*, 511 F.2d 653, 654 (5th Cir. 1975)(quoting 2A Moore's Federal Practice ¶ 8.10, at 1662).

² *Carden v. Arkoma Associates*, 494 U.S. 185, 110 S.Ct. 1015, 1021 (1990).

accordance with the requirements of § 1332(a) and ©).³

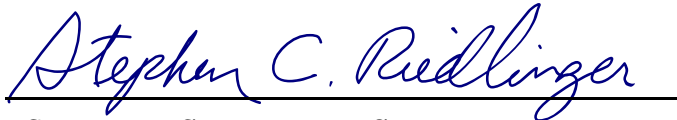
Plaintiff's jurisdictional allegation regarding its citizenship is not sufficient to determine whether there is diversity of citizenship.

Therefore;

IT IS ORDERED that plaintiff shall have ten days to file an amended complaint which properly alleges its citizenship.

Failure to comply with this order may result in the plaintiff's Complaint being dismissed without further notice for lack of subject matter jurisdiction.

Baton Rouge, Louisiana, September 11, 2014.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

³ The same requirement applies to any member of a partnership which is also a partnership or a limited liability company. *Turner Bros. Crane and Rigging, LLC v. Kingboard Chemical Holding Ltd.*, 2007 WL 2848154 (M.D.La. Sept. 24, 2007)(when partners or members are themselves entities or associations, citizenship must be traced through however many layers of members or partners there are).