

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

JOHN P. DAVIS, JR.

CIVIL ACTION NO. 08-cv-1638

VERSUS

JUDGE HICKS

MEAGHER OIL & GAS PROPERTIES,
INC.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Meagher removed this case based on an assertion of diversity jurisdiction, which imposes upon it the burden of presenting facts sufficient to ensure the existence of jurisdiction. Meagher alleges in paragraph six of its Notice of Removal that Plaintiff John Davis “is an individual residing in Caddo Parish, Louisiana.”

It is domicile rather than mere residency that decides citizenship for diversity purposes, and “[i]t is well established that an allegation of residency does not satisfy the requirement of an allegation of citizenship.” Great Plains Trust Co. v. Morgan Stanley, 313 F.3d 305, 310 n. 2 (5th Cir. 2002), quoting Strain v. Harrelson Rubber Co., 742 F.2d 888 (5th Cir. 1984). Mr. Davis may be a resident of Louisiana and one or more other states, but he is a domiciliary and citizen of only one state at any given time. Meagher must allege the state in which Mr. Davis was domiciled at the relevant time. Meagher should file an Amended Notice of Removal by **January 30, 2009** to address this issue. A scheduling conference will be set in due course.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 13th day of January,
2009.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE