

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT K. DECKER,

Plaintiff,

No. 20-12037

v.

Honorable Nancy G. Edmunds

AMERICAN AUTO ASSOCIATION,

Defendant.

ORDER OF DISMISSAL WITHOUT PREJUDICE

On September 8, 2020, the Court issued an order to show cause, requiring Plaintiff to show cause in writing why this case should not be dismissed for lack of subject matter jurisdiction. (ECF No. 3.) The Court noted that Plaintiff, who is a federal prisoner, had submitted along with his complaint a civil cover sheet for prisoner cases, asserting that the basis of jurisdiction is federal question and the nature of the suit is civil rights. However, a review of the complaint revealed that Plaintiff's claim is unrelated to his confinement and is in fact a state breach of contract claim. The Court's order gave Plaintiff notice under Local Rule 41.2 of the Local Rules for the Eastern District of Michigan of the Court's intention to dismiss the case for lack of subject matter jurisdiction unless Plaintiff could demonstrate that the Court does have jurisdiction over this matter.

Plaintiff has responded to the Court's order to show cause. (ECF No. 6.) He asserts that the Court has diversity jurisdiction because the amount in controversy is over \$75,000 and he is a "resident" of the state of Indiana while Defendant is a "resident" of the state of Michigan. Diversity of citizenship, however, applies to cases

involving "citizens" of different states. See 28 U.S.C. § 1332(a)(1). For purposes of diversity jurisdiction, citizenship "means domicile rather than residence." See *Stifel v. Hopkins*, 477 F.2d 1116, 1120 (6th Cir. 1973). And a corporation is a citizen of both the state in which it is incorporated and the state in which it has its principal place of business. See § 1332(c)(1). Here, Plaintiff does not properly set forth facts establishing the citizenship of either party. Thus, Plaintiff has not demonstrated that this Court, a federal court, has jurisdiction over his state law claim.

For the foregoing reasons, this action is DISMISSED WITHOUT PREJUDICE. The dismissal of this action renders Plaintiff's application to proceed in forma pauperis moot.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: November 18, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 18, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager