

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 09-2729 (DSD/JJK)

Vivian Dorthea Grover-Tsimi,

Plaintiff,

v.

ORDER

American Laser Centers, LLC
on behalf of medical providers,
American Laser Center (Eagan),
American Laser Center (Edina), on
behalf of clinicians/technicians,

Defendants.

This matter is before the court upon plaintiff Vivian Dorothea Grover-Tsimi's ("Grover-Tsimi") pro se objections to the October 16, 2009, report and recommendation of Magistrate Judge Jeffrey J. Keyes. The magistrate judge recommends dismissal of the action for lack of subject-matter jurisdiction and denial of Grover-Tsimi's application to proceed in forma pauperis. After a de novo review of the file, record and proceedings herein, and for the following reasons, the court adopts the magistrate judge's well-reasoned report and recommendation.

The court reviews the magistrate judge's report and recommendation de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2(b). The court liberally construes pro se pleadings and does not unreasonably subject them to "stringent procedural niceties." Papantony v. Hedrick, 215 F.3d 863, 865 (8th Cir. 2000). The need to establish the subject-matter jurisdiction

of a federal court, however, is "inflexible and without exception."
Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 95 (1998) (quotation and citation omitted).

Grover-Tsimi is a citizen of Minnesota who asserts state-law claims against defendant American Laser Centers, LLC ("ALC"). According to Grover-Tsimi, ALC is a "corporation whose residence of citizenship is headquartered at ... Farmington Hills, Michigan." (Pl.'s Obj. 2.) For purposes of diversity jurisdiction, however, a limited-liability company is a citizen of every state in which its members are citizens. OnePoint Solutions, LLC v. Borchert, 486 F.3d 342, 346 & 347 n.4 (8th Cir. 2007). Grover-Tsimi has not established the citizenship of ALC, and the court cannot determine whether diversity exists between ALC and Grover-Tsimi. Therefore, the court dismisses her claim against ALC without prejudice.

Grover-Tsimi also asserts state-law claims against Minnesota businesses American Laser Center (Eagan) and American Laser Center (Edina). The court dismisses these claims with prejudice, because Grover-Tsimi's state-law claims against Minnesota defendants cannot be heard in federal court.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's objections to the magistrate judge's report and recommendation are overruled;
2. The magistrate judge's report and recommendation [Doc. No. 3] is adopted in its entirety;

3. Plaintiff's claim against American Laser Centers, LLC is dismissed without prejudice;

4. Plaintiff's claims against American Laser Center (Eagan) and American Laser Center (Edina) are dismissed with prejudice; and

5. Plaintiff's application to proceed in forma pauperis [Doc. No. 2] is denied as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 9, 2010

s/David S. Doty
David S. Doty, Judge
United States District Court