

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID BRADLEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12CV1737 RWS
)	
WILLIAM SHELTON, et al.,)	
)	
Defendants.)	

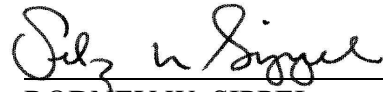
MEMORANDUM AND ORDER OF DISMISSAL

This newly-filed case is before me following a status conference. Plaintiff alleges that this Court has subject matter jurisdiction based upon diversity of citizenship under 28 U.S.C. § 1332(a)(1). Plaintiff alleges that he is a member of defendant Smoke Tobacco, LLC, a limited liability corporation. “An LLC’s citizenship, for purposes of diversity jurisdiction, is the citizenship of each of its members.” OnePoint Solutions, LLC v. Borchert, 486 F.3d 342, 346 (8th Cir. 2007). Therefore, according to the face of the complaint, both plaintiff and defendant Smoke Tobacco, LLC are citizens of Pennsylvania. “Complete diversity of citizenship exists where no defendant holds citizenship in the same state where any plaintiff holds citizenship.” Id. Because both plaintiff and defendant are citizens of Pennsylvania, this Court lacks diversity jurisdiction and the complaint must be dismissed.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s complaint is dismissed for lack of subject matter jurisdiction.

A separate Order of Dismissal is entered this same date.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippel".

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 10th day of October, 2012.