

because Defendant failed to properly allege the citizenship of every member of the Defendant LLC within the 30-day removal deadline (*Id.*). On June 8, 2016, Defendant responded that this technical error may be cured by amending Defendant's Notice (Doc. 12) and, on that same day, filed a Motion for Leave to Amend its Notice of Removal (Doc. 13). In its Motion for Leave to Amend its Notice of Removal, Defendant indicates that its sole member is Family Dollar Stores, Inc., which is a Delaware corporation with its principal place of business located in North Carolina. In support of its assertion, Defendant provides the Court with the Affidavit of Marc Metcalf, senior counsel with Family Dollar, Inc. (Doc. 13-1).

“Allegations of jurisdiction which are defective should be discovered and corrected in the District Court.” *Texaco-Cities Serv. Pipe Line Co. v Aetna Cas. & Sur. Co.*, 283 F.2d 144, 145 (8th Cir. 1960) (per curiam). One statutory avenue for such a correction is 28 U.S.C. § 1653, under which “[d]efective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts.” *Id.* Based on § 1653, the Eighth Circuit recently allowed amendment on appeal of a removal notice that initially alleged only the residency of the plaintiff after evidence was offered to show the plaintiff's citizenship at the time of filing and removal. *Reece v. Bank of New York Mellon*, 760 F.3d 771, 776-78 (8th Cir. 2014).

The Court finds that Defendant's technical error does not warrant remand. Defendant has provided uncontested information that the sole member of Defendant LLC is Family Dollar Stores, Inc., a Delaware corporation with its principal place of business located in North Carolina. Defendant also asserts that complete diversity existed both at the time of filing as well as the time of removal. Furthermore, Plaintiff does not indicate he would be unfairly prejudiced if Defendant was allowed to amend. Therefore, in the interests of justice, the Court will allow Defendant to amend its Notice of Removal.

Accordingly,

IT IS HEREBY ORDERED that Defendant Family Dollar Stores of MO, LLC's Motion for Leave to Amend Notice of Removal (Doc. 13) is **GRANTED**, and Family Dollar Stores of MO, LLC shall file its Amended Removal Notice within seven (7) days of the date of this Order.

IT IS FURTHER ORDERED that, in light of the Court's decision to grant Defendant's Motion for Leave to Amend Notice of Removal, Plaintiff Darrell Macon's Motion to Remand (Doc. 10) is **DENIED, as moot**.

Dated this 9th day of August, 2016.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE