

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

HAMDIJA HALILOVIC, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:17 CV 01794 RWS  
 )  
 KAITLYN KRINNINGER, )  
 )  
 Defendant. )

**MEMORANDUM AND ORDER**

Upon review of Plaintiff’s Motion to File an Amended Petition [8] and proposed Amended Petition [8-1], the court notes certain jurisdictional issues. The Eighth Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” Sanders v. Clemco Indus., 823 F.2d 214, 216 (8th Cir.1987).

This case was removed by Defendant Kaitlyn Krinninger from the Circuit Court of the City of St. Louis on June 23, 2017 on the basis of diversity jurisdiction, because the lawsuit is between citizens of different states and the matter in controversy exceeds the sum of \$75,000. *See* 28 U.S.C. § 1332. The Notice of Removal [1] asserts that at the time of the institution of this action, Plaintiff Hamdija Halilovic was a resident and citizen of the State of Missouri and Defendant Kaitlyn Krinninger was a resident and citizen of the State of Illinois.

Plaintiff has requested leave of the court to amend his complaint in order to add Kharel Miller (“Miller”) as a party to the action. According to Plaintiff, the case could be remanded back to the Circuit Court of the City of St. Louis if Miller was added as a defendant, since his primary residence is in Missouri. The proposed Amended Petition states “Plaintiff is a resident of the State of Missouri and Defendant MILLER is a resident of the State of Missouri,” but does not allege facts concerning Miller’s citizenship. “A complaint that alleges merely residency, rather than citizenship, is insufficient to plead diverse citizenship.” 15 Moore’s Federal Practice § 102.31 (3d ed. 2013); *see also Sanders*, 823 F.2d at 215 & n. 1. Here, Plaintiff has not fully alleged facts concerning the citizenship of the parties.

I will grant Plaintiff seven (7) days to file a revised amended complaint which alleges facts that would defeat the existence of diversity of citizenship of the parties. If Plaintiff fails to timely and fully comply with this order, I will deny Plaintiff’s Motion to File an Amended Petition.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff shall submit a revised amended complaint no later than **August 21, 2017**.

**IT IS FURTHER ORDERED** that the Rule 16 scheduling conference set for **Thursday, August 17, 2017** at 9:30 a.m. is **VACATED**. If necessary, I will reschedule the conference and give the parties an opportunity to submit a revised

joint proposed scheduling plan in a separate order following my decision on Plaintiff's Motion to File an Amended Petition.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 10th day of August, 2017.