

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DELORESE PEARSON,)	Case No. 1:22-cv-1217
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	
)	
FAMILY SOLUTIONS USA,)	
)	
Defendant.)	
)	

OPINION AND ORDER

Plaintiff Delorese Pearson filed a *pro se* complaint, proceeding *in forma pauperis*, against Family Solutions USA, “a behavioral health care provider, located” in Wake Forest, North Carolina. (ECF No. 1, ¶ 1, PageID #1.) She brings State-law claims, including medical malpractice and negligence, in connection with services she solicited from Family Solutions of Bedford, Ohio, which she alleges is a “branch provider” of Family Solutions USA. (*Id.* at ¶ 2.) Plaintiff invokes federal jurisdiction on the basis of diversity of citizenship under 28 U.S.C. § 1332, which provides for federal jurisdiction in civil actions between “citizens of different States” where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a)(1).

“[F]ederal courts have a duty to consider their subject matter jurisdiction in regard to every case and may raise the issue *sua sponte*.” *Answers in Genesis, Inc. v. Creation Ministries Int’l, Ltd.*, 556 F.3d 459, 465 (6th Cir. 2009). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must

dismiss the action.” Fed. R. Civ. P. 12(h)(3). The party seeking to invoke federal jurisdiction bears the burden of establishing the court’s authority to hear the case. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994).

Plaintiff has not demonstrated a proper basis for the valid exercise of federal diversity jurisdiction. She indicates that she is an Ohio citizen and that Family Solutions USA is “located” in North Carolina. For purposes of the diversity statute, however, a corporation is “deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business. . . .” 28 U.S.C. § 1332(c)(1). Public records of the Ohio Secretary of State show that Family Solutions of Ohio, which provided the services at issue, is incorporated in Ohio. See <https://www.ohiosos.gov>.

Accordingly, Plaintiff has not demonstrated diversity of citizenship under the federal diversity statute, the Court dismisses this action pursuant to Rule 12(h)(3) without prejudice.

SO ORDERED.

Dated: October 3, 2022



J. Philip Calabrese
United States District Judge
Northern District of Ohio