

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

<p>KIM M. JOHNSON KRUEGER, Plaintiff, vs. CRAIG ROBERT ADAMS, M.D., FAITH REGIONAL HEALTH SERVICES; and DOES I-X, Defendants.</p>	<p>CIV. 14-4090-KES ORDER DISMISSING CASE</p>
---	--

Defendants, Craig Robert Adams, M.D., and Faith Regional Health Services, move to dismiss the complaint based upon lack of subject matter jurisdiction. Plaintiff, Kim M. Johnson Krueger, has not responded and the time for response has passed. Because this court lacks jurisdiction, the motion to dismiss is granted.

In Krueger's complaint, she states she is a citizen of the state of South Dakota and resides in Sioux Falls, South Dakota. Adams states in his answer that he is also a citizen of South Dakota and resides in McCook Lake, South Dakota. Kruger asserts subject matter jurisdiction of this court based upon diversity jurisdiction under 28 U.S.C. § 1332. A party is a citizen of the state in which he or she resides as an individual. *Dunlap v. Wells*, 741 F.2d 165, 167 (8th Cir. 1984). As a result, the plaintiff and one of the defendants are both citizens of South Dakota. It is "well settled that federal diversity jurisdiction requires complete diversity, so that no defendant is a citizen of the

same state as any plaintiff.” *Walker v. Norwest Corp.*, 108 F.3d 158, 161 (8th Cir. 1997). Because the plaintiff and defendant Adams are both citizens of South Dakota, the motion to dismiss without prejudice is granted pursuant to Fed. R. Civ. P. 12(b)(1). It is

ORDERED that Adams’s motion to dismiss without prejudice (Docket 13) is granted.

IT IS FURTHER ORDERED that Faith Regional Health Services’s motion to dismiss without prejudice (Docket 19) is granted.

Dated November 20, 2014.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE