

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MILO H. SEGNER, JR., as Receiver of)
Domistyle Inc., Debtor-in Possession)
)
Plaintiff,)
)
VS.)
)
LANGLEY-EMPIRE CANDLE, LLC,)
ET AL.,)
)
Defendants.)

CIVIL ACTION NO.
3:13-CV-3117-G

MEMORANDUM OPINION AND ORDER

This court is required to examine the basis for its subject matter jurisdiction, on its own motion if necessary. *Torres v. Southern Peru Copper Corp.*, 113 F.3d 540, 542 (5th Cir. 1997). Diversity of citizenship is alleged as the basis for subject matter jurisdiction in this case. Notice of Removal ¶¶ 6-7 (docket entry 1). The plaintiff Milo H. Segner, as receiver of Domistyle, Inc., debtor-in-possession, is alleged to be a citizen of Texas. *Id.* ¶ 7. The defendant Richard Langley, Jr. is alleged to be a citizen of Missouri. *Id.* The defendant Langley-Empire Candle, LLC is alleged to be a Kansas limited liability company. *Id.*

Diversity of citizenship jurisdiction requires that the citizenship of the plaintiff must be different from the citizenship of each defendant. *Strawbridge v. Curtiss*, 7 U.S. 267 (1806). Generally, the citizenship of artificial entities other than corporations is determined by the citizenship of their members. See *Carden v. Arkoma Associates*, 494 U.S. 185 (1990). This rule applies to limited liability companies such as the defendant Langley-Empire Candle, LLC. *Harvey v. Grey Wolf Drilling Company*, 542 F.3d 1077, 1080-81 (5th Cir. 2008). With the information in the notice of removal, the court cannot tell if the citizenship of the defendant Langley-Empire Candle, LLC is diverse from that of the plaintiff.

Within ten days of this date, the defendants shall file and serve an amended notice of removal alleging the names and citizenship of all the members/owners of Langley-Empire Candle, LLC. Failure to timely file and serve such an amended notice of removal will result in remand to the 162nd Judicial District Court of Dallas County, Texas, without further notice.

SO ORDERED.

August 12, 2013.



A. JOE FISH
Senior United States District Judge