

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CARL CAMPBELL, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:10-cv-00124

FILMORE CAPITAL PARTNERS, LLC, et al.,

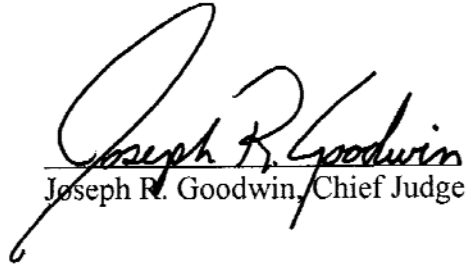
Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is the plaintiffs' Motion to Amend Complaint [Docket 46]. For good cause shown, the Motion is **DENIED without prejudice**. This case was removed from state court on the basis of diversity jurisdiction. Rule 8(a)(1) of the Federal Rules of Civil Procedure provides that "[a] pleading that states a claim for relief must contain a short and plain statement of the grounds for the court's jurisdiction." By their motion, the plaintiffs seek to amend their pleadings to add Mike Herald as a new defendant. But the plaintiffs's motion does not contain a statement as to Mr. Herald's citizenship. The proposed amendment does not comply with Rule 8(a)(1) and must be denied. The plaintiffs may, of course, refile their motion with an appropriate jurisdictional statement.

The plaintiffs' Motion to Amend [Docket 46] is **DENIED without prejudice**. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 20, 2010


Joseph R. Goodwin, Chief Judge