

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

TERI BENNIN,

Plaintiff,

v.

Case No: 6:18-cv-142-Orl-28GJK

BANK OF AMERICA, N.A.,

Defendant.

ORDER

This case is before the Court on review of the Complaint (Doc. 1).

Federal courts are courts of limited jurisdiction. “[B]ecause a federal court is powerless to act beyond its statutory grant of subject matter jurisdiction, a court must zealously insure that jurisdiction exists over a case, and should itself raise the question of subject matter jurisdiction at any point in the litigation where a doubt about jurisdiction arises.” Smith v. GTE Corp., 236 F.3d 1292, 1299 (11th Cir. 2001).

Here, Plaintiff invokes this court’s diversity jurisdiction under 28 U.S.C. § 1332. Section 1332(a)(1) grants federal courts jurisdiction over “citizens of different States.” The burden to establish the parties’ diverse citizenship is on the plaintiff. King v. Cessna Aircraft Co., 505 F.3d 1160, 1171 (11th Cir. 2007). Plaintiff has not adequately alleged Defendant’s citizenship.

As a corporation, Defendant is 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). The Complaint, however, alleges only that Defendant “is a Delaware Corporation, with its principal office address located at 101 S. Tryon Street,

Charlotte, North Carolina.” (Compl. ¶¶ 1–2). Plaintiff has not informed the Court of the state in which Defendant has its principal place of business. Her allegation of Defendant’s “principal office address” is not sufficient. See Wylie v. Red Bull N. Am., Inc., 627 F. App’x 755 (11th Cir. 2015). Thus, the Complaint does not contain sufficient information for the Court to determine Defendant’s citizenship.

Accordingly, it is **ORDERED** that **no later than February 12, 2018**, Plaintiff shall file either an amended complaint or evidence that identifies Defendant’s citizenship.

DONE and **ORDERED** in Orlando, Florida, on February 2nd, 2018.



JOHN ANTOON II
United States District Judge

Copies furnished to:
Counsel of Record