

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NICHOLAS STOLINAS,

Plaintiff,

v.

Case No.: 2:18-cv-702-FtM-38MRM

WALTER PALMER,

Defendant.

ORDER¹

This matter comes before the Court on *sua sponte* review of the file. In deciding Defendant Walter Palmer's Motion to Strike Plaintiff's Demand for Jury Trial ([Doc. 30](#)), United States Magistrate Judge Mac R. McCoy ordered Plaintiff Nicholas Stolas to notify the Court whether he wished to proceed under diversity or admiralty jurisdiction ([Doc. 35](#)), and Stolas chose diversity jurisdiction ([Doc. 36](#)).

Because federal courts have limited jurisdiction, they are "obligated to inquire into subject matter jurisdiction *sua sponte* whenever it may be lacking." [Univ. of S. Ala. v. Am. Tobacco Co.](#), 168 F.3d 405, 410 (11th Cir. 1999). "Diversity jurisdiction exists over a controversy between citizens of different states." [McCormick v. Aderholt](#), 293 F.3d 1254, 1257 (11th Cir. 2002). In his Complaint, Stolas states that he is a resident of Florida

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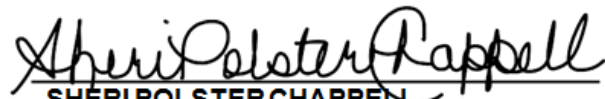
and Palmer is a resident of Minnesota. ([Doc. 1](#)). But individuals are citizens where they are domiciled, not necessarily where they reside. *Id.* Because Stolinis does not state the citizenship of the parties, the Court cannot determine whether it has diversity jurisdiction over this case.

Accordingly, it is now

ORDERED:

Plaintiff Nicholas Stolinis is **ORDERED** to file an amended complaint that includes facts establishing diversity jurisdiction on or before **June 20, 2019**. **Failure to do so will result in dismissal of this case without further notice.**

DONE and **ORDERED** in Fort Myers, Florida this 14th day of June, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record