

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

WILLIAM LAWRENCE,

Plaintiff,

v.

CASE NO. 8:18-cv-738-T-26TGW

ACE AMERICAN INSURANCE COMPANY,

Defendant.

_____ /

ORDER

The Court considers this case *sua sponte* consistent with its obligation as a court of limited jurisdiction to inquire into its jurisdiction at the earliest possible stage of the proceedings. See, e.g., Kirkland v. Midland Mtge. Co., 243 F.3d 1277, 1279-80 (11th Cir. 2001) (citation omitted). After doing so, the Court notes that Defendant’s Notice of Removal filed at docket 1 based on diversity jurisdiction pursuant to 28 U.S.C. §1332 fails to allege that Plaintiff is a *citizen* of the State of Florida, thus calling into question whether this Court has diversity jurisdiction. As the Eleventh Circuit has explained, “[t]he allegation that Crist is a ‘resident’ of Florida is insufficient for diversity jurisdiction purposes because residency is not the equivalent of citizenship.” Crist v. Carnival Corp., 410 F. App’x 197, 200 (11th Cir. 2010) (citation omitted) (unpublished).

ACCORDINGLY, it is **ORDERED AND ADJUDGED** as follows:

1) Defendant shall file an amended notice of removal on or before **April 5, 2018**, curing the jurisdictional defect noted above and unequivocally establishing diversity of citizenship. See Corporate Mgmt. Advisors, Inc. v. Artjen Complexus, Inc., 561 F.3d 1294, 1297 (11th Cir. 2009).

2) Until this Court is satisfied that it has jurisdiction in this case, Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint or Alternatively Strike the Second Amended Complaint (Dkt. 3) is denied without prejudice to being renewed once the Court is convinced it has jurisdiction to adjudicate the merits of this case.

DONE AND ORDERED at Tampa, Florida, on March 29, 2018.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record