

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CHRISTOPHER TURNER and
DEBRA TURNER,

Plaintiffs,

v.

Case No.: 2:23-cv-631-SPC-NPM

WRIGHT NATIONAL FLOOD
INSURANCE COMPANY,

Defendant.

_____ /

ORDER

Before the Court is Plaintiffs Christopher and Debra Turner's Complaint. ([Doc. 1](#)). This is a breach of contract action involving property damage that occurred because of Hurricane Ian.

Federal courts are courts of limited jurisdiction and have "an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party." *Arbaugh v. Y.H. Corp.*, 546 U.S. 500, 514 (2006) (citing *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999)).

Plaintiffs do not state the basis for the Court's jurisdiction. In fact, the Complaint reads as though Plaintiffs intended to file it in state court since the Complaint alleges "more than \$50,000" in controversy and cites to the Florida

Rules of Judicial Administration. ([Doc. 1 at 1-2](#)). If Plaintiffs intended to invoke this Court's jurisdiction under [42 U.S.C. § 4072](#), they have not properly done so because they have not pled the facts to support such jurisdiction.¹

The Court finds that Plaintiffs have not met their burden of establishing this Court's subject matter jurisdiction over this action.

Accordingly, it is now

ORDERED:

1. Plaintiffs Christopher and Debra Turner's Complaint ([Doc. 1](#)) is **DISMISSED without prejudice** for lack of subject matter jurisdiction.
2. Plaintiffs may file an amended complaint on or before **September 1, 2023**. Failure to do so will cause the Court to close this case without further notice.

DONE and ORDERED in Fort Myers, Florida on August 18, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

¹ The Court presumes this was Plaintiffs' intent due to the Complaint's reference to "flood damage" and because Plaintiffs have not pled any of the conditions for diversity jurisdiction under [28 U.S.C. § 1332](#). The Complaint states that the amount in controversy is "more than \$50,000" and does not properly allege the citizenship of Plaintiffs nor Defendant. ([Doc. 1](#)).