

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LINDA CAVANAGH,

Plaintiff,

v.

Case No.: 2:24-cv-10-SPC-NPM

AUTO CLUB INSURANCE
COMPANY OF FLORIDA and
FEDERAL EMERGENCY
MANAGEMENT AGENCY,

Defendants.

/

OPINION AND ORDER

Before the Court is Plaintiff Linda Cavanagh'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)).

Plaintiff does not state the basis for the Court's jurisdiction. In fact, the Complaint reads as though Plaintiff intended to file it in state court since the Complaint alleges "more than \$50,000" in controversy. (Doc. 1 at 1). If

Plaintiff intended to invoke this Court's jurisdiction under [42 U.S.C. § 4072](#), Plaintiff has not properly done so because she has not pled the facts to support such jurisdiction.¹


The Court finds that Plaintiff has not met her burden of establishing this Court's subject matter jurisdiction over this action.

Accordingly, it is now

ORDERED:

1. Plaintiff Cavanagh's Complaint (Doc. 1) is **DISMISSED without prejudice** for lack of subject matter jurisdiction.
2. Plaintiff may file an amended complaint on or before February 3, 2024. Failure to do so will cause the Court to close this case without further notice.

DONE and ORDERED in Fort Myers, Florida on January 12, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

¹ The Court presumes this was Plaintiff's intent due to the Complaint's reference to "loss caused by flood" and because Plaintiff has 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 Plaintiff nor Defendants. (Doc. 1).