

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RICHARD JANIS,

Plaintiff,

v.

Case No.: 2:24-cv-49-SPC-KCD

UNITED PROPERTY &
CASUALTY INSURANCE
COMPANY and FEDERAL
EMERGENCY MANAGEMENT
AGENCY,

Defendants.

_____ /

ORDER

Before the Court is Plaintiff Richard Janis'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 he has not pled the facts to support such jurisdiction.¹

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

Accordingly, it is now

ORDERED:

1. Plaintiff Janis’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 5, 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 17, 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).