
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

HEIDI-BIANCA CRANE,
Plaintiff,

v.

HALLIDAY WATKINS & MANN, et al.,
Defendants.

ORDER TO SHOW CAUSE

Case No. 4:23-cv-00063-DN-PK

District Judge David Nuffer
Magistrate Judge Paul Kohler

This matter is before the Court for *sua sponte* consideration of its subject matter jurisdiction.¹ For the reasons stated below, the Court orders Plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction.

“Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute.”² And the burden of establishing jurisdiction “rests upon the party asserting jurisdiction.”³ This Court can only hear cases with federal question jurisdiction—where the action arises under federal laws⁴—or diversity jurisdiction—where the controversy is between citizens of different states and the amount in controversy exceeds \$75,000.⁵

¹ *City of Albuquerque v. Soto Enters., Inc.*, [864 F.3d 1089, 1093](#) (10th Cir. 2017) (“[T]he district courts have an independent obligation to address their own subject-matter jurisdiction and can dismiss actions *sua sponte* for lack of subject-matter jurisdiction.”).

² *Kokkonen v. Guardian Life Ins. Co. of Am.*, [511 U.S. 375, 377](#) (1994).

³ *Id.*

⁴ [28 U.S.C. § 1331](#).

⁵ *Id.* § 1332.

Plaintiff attempts to invoke the Court’s diversity jurisdiction.⁶ Diversity jurisdiction requires complete diversity. “That is, diversity jurisdiction does not exist unless each defendant is a citizen of a different State from each plaintiff.”⁷ Put another way, diversity is absent when a plaintiff is a citizen of the same state as a defendant.⁸

“For purposes of federal diversity jurisdiction, an individual’s state citizenship is equivalent to domicile.”⁹ Plaintiff states that she resides in Washington, Utah. However, “[a]n individual’s residence is not equivalent to [her] domicile and it is domicile that is relevant for determining citizenship.”¹⁰ Thus, “an allegation that a party defendant is a resident of a state is not equivalent to an allegation of citizenship and is insufficient to confer jurisdiction upon the District Court.”¹¹ Since Plaintiff has failed to identify her domicile—that is, where she lives and permanently intends to remain¹²—she has failed to adequately allege her citizenship to invoke the Court’s jurisdiction.

⁶ See [Docket No. 1, at ; Docket No. 1-2](#).

⁷ *Owen Equip. & Erection Co. v. Kroger*, [437 U.S. 365, 373](#) (1978).

⁸ See *Exxon Mobile Corp. v. Allapattah Servs., Inc.*, [545 U.S. 546, 553](#) (2005) (“In a case with multiple plaintiffs and multiple defendants, the presence in the action of a single plaintiff from the same State as a single defendant deprives the district court of original diversity jurisdiction over the entire action.”).

⁹ *Smith v. Cummings*, [445 F.3d 1254, 1259–60](#) (10th Cir.2006).

¹⁰ *Siloam Springs Hotel, LLC v. Century Sur. Co.*, [781 F.3d 1233, 1238](#) (10th Cir. 2015).

¹¹ *Whitelock v. Leatherman*, [460 F.2d 507, 514](#) n.14 (10th Cir. 1972) (internal quotation marks and citations omitted).

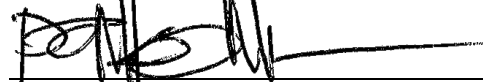
¹² See e.g., *Smith v. Cummings*, [445 F.3d 1254, 1259–60](#) (10th Cir. 2006) (collecting cases).

A corporation is “deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.”¹³ Plaintiff names as a Defendant Halliday, Watkins, & Mann, P.C. (“Halliday Watkins”). According to the Utah Department of Commerce, Halliday Watkins is incorporated in Utah. If Plaintiff is a citizen of Utah, there would not be complete diversity among the parties because Halliday Watkins is incorporated in Utah. However, as stated, Plaintiff has failed to adequately allege her citizenship.

Accordingly, Plaintiff is hereby ORDERED—within 14 days of this order—to provide her domicile so that the Court may determine its subject matter jurisdiction by properly evaluating whether complete diversity exists in this case. A failure to properly respond will result in dismissal of the case.

DATED September 19, 2023.

BY THE COURT



PAUL KOHLER
United States Magistrate Judge

¹³ [28 U.S.C. § 1332\(c\)\(1\)](#).