

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

WALTER STRONG,)
 Plaintiff,)
))
 vs.) 1:14-cv-01221-JMS-DML
))
CODY RAINS,)
 Defendant.)

ORDER TO FILE AMENDED COMPLAINT

On July 22, 2014, Plaintiff Walter Strong filed a Complaint against Defendant Cody Rains in which he alleges that this Court has diversity jurisdiction over this action. [[Filing No. 1 at 1-2.](#)] Mr. Strong alleges that he is a citizen of Missouri, that Mr. Rains is a citizen of Indiana, and that the amount in controversy “exceeds \$75,000.” [[Filing No. 1 at 1-2.](#)]

Mr. Strong’s allegation regarding the amount in controversy is problematic. He alleges simply that the amount in controversy “exceeds \$75,000,” but the amount in controversy must exceed \$75,000 “exclusive of interest and costs,” [28 U.S.C. § 1332](#). The Court must independently determine whether proper diversity among the parties exists. [Thomas v. Guardsmark, LLC, 487 F.3d 531, 533 \(7th Cir. 2007\)](#). While it may seem otherwise, the Court is not being hyper-technical: Counsel has a professional obligation to analyze subject-matter jurisdiction, [Heinen v. Northrop Grumman Corp., 671 F.3d 669, 670 \(7th Cir. 2012\)](#), and a federal court always has a responsibility to ensure that it has jurisdiction, [Hukic v. Aurora Loan Servs., 588 F.3d 420, 427 \(7th Cir. 2009\)](#). Based on the allegations in the Complaint, the Court cannot determine whether it can exercise diversity jurisdiction over this case. The absence of an allegation as to each element necessary to support jurisdiction is necessary and easily remedied.

For these reasons, the Court **ORDERS** Mr. Strong to file an Amended Complaint by **August 4, 2014** which properly sets forth the basis for the Court's diversity jurisdiction. Mr. Rains need not answer the Complaint, [[Filing No. 1](#)], and his time to answer will run from when he is served with Mr. Strong's Amended Complaint.

Distribution via ECF only to all counsel of record