

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Community Bank & Trust–West Georgia v. Stephen M. Jefferies

Jefferies · No. Civ. No. 26-136 SCY/JMR · Decided March 16, 2026

SUMMARY

The United States District Court for the District of New Mexico orders Defendant Stephen M. Jefferies to file a citizenship disclosure statement under Federal Rule of Civil Procedure 7.1(a)(2). The order explains that alleging residency alone is insufficient to establish diversity jurisdiction and requires the notice within 14 days of the order.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Steven C. Yarbrough
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 16, 2026
DOCKET	Civ. No. 26-136 SCY/JMR
DISPOSITION	other
PROCEDURAL POSTURE	The court sua sponte reviewed the complaint to determine whether diversity subject-matter jurisdiction had been adequately pleaded and ordered Defendant to file a Rule 7.1 citizenship disclosure statement.
STANDARD OF REVIEW	The court independently examined whether subject-matter jurisdiction existed because federal courts have a sua sponte duty to determine their jurisdiction.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.

TOPICS

- subject matter jurisdiction
- pleadings
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether an allegation that a defendant resides in a particular state, without an allegation or other proof of citizenship or domicile, adequately establishes complete diversity jurisdiction under 28 U.S.C. § 1332(a).
2. Whether Defendant should be ordered to file a citizenship disclosure statement under Federal Rule of Civil Procedure 7.1(a)(2).

HOLDINGS

1. An allegation that a defendant resides in a state is insufficient by itself to establish the defendant's citizenship or domicile for purposes of diversity jurisdiction when the record contains no other proof indicating citizenship.
2. In a diversity action, the court may order a party to file a disclosure statement identifying its citizenship or domicile, and Defendant must file a statement complying with Rule 7.1(a)(2) within 14 days.

FACTUAL BACKGROUND

Plaintiff filed the action in federal court invoking diversity jurisdiction. The complaint alleged that Defendant Stephen M. Jefferies resided in St. Lawrence County, New York, but did not allege his citizenship or domicile. The record contained no other proof indicating Defendant's citizenship.

PROCEDURAL HISTORY

Plaintiff filed a diversity action in the United States District Court for the District of New Mexico. The complaint alleged that Defendant resided in New York but did not allege Defendant's citizenship or domicile. On sua sponte review, the court found the allegation insufficient to establish diversity jurisdiction and ordered Defendant to file a compliant Rule 7.1(a)(2) disclosure within 14 days.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendant shall file a citizenship disclosure statement fully complying with Federal Rule of Civil Procedure 7.1(a)(2) no later than 14 days after the date of the order. The statement must identify Defendant's citizenship or domicile, rather than residency, as of the date the complaint was filed.

CASES CITED

- Tuck v. United States Auto. Ass'n, 859 F.2d 842, 844 (10th Cir. 1988)
- ADA Carbon Sols. (Red River), LLC v. Atlas Carbon, LLC, 146 F.4th 1296, 1306 (10th Cir. 2025)
- Dutcher v. Matheson, 733 F.3d 980, 985 (10th Cir. 2013)
- Siloam Springs Hotel, L.L.C. v. Century Surety Co., 781 F.3d 1233, 1238 (10th Cir. 2015)
- Middleton v. Stephenson, 749 F.3d 1197, 1200 (10th Cir. 2014)
- Whitelock v. Leatherman, 460 F.2d 507, 514 n.14 (10th Cir. 1972)

- State Farm Mut. Auto. Ins. Co. v. Dyer, 19 F.3d 514, 520 (10th Cir. 1994)
- Vincent v. Nelson, 51 F.4th 1200, 1211-12 (10th Cir. 2022)
- McEntire v. Kmart Corp., No. 09-cv-567 JB/LAM, 2010 WL 553443, at *8 (D.N.M. Feb. 9, 2010)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
COMMUNITY BANK & TRUST –WEST GEORGIA, Plaintiff, vs. Civ. No. 26-136 SCY/JMR
STEPHEN M. JEFFERIES, Defendants. ORDER TO FILE RULE 7.1 NOTICE This matter comes before the Court sua sponte, following its review of the Complaint. Doc. 1. Plaintiff filed this action in federal court citing diversity jurisdiction.

Id. ¶ 3. The Court has a sua sponte duty to determine whether subject matter jurisdiction exists. See Tuck v. United States Auto. Ass’n, 859 F.2d 842, 844 (10th Cir. 1988). Under 28 U.S.C. § 1332(a), federal courts have “original jurisdiction in all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs and is between citizens of different States....” “[T]he ultimate burden of establishing complete diversity” lies with “the party seeking to invoke federal jurisdiction.” ADA Carbon Sols.

(Red River), LLC v. Atlas Carbon, LLC, 146 F.4th 1296, 1306 (10th Cir. 2025); Dutcher v. Matheson, 733 F.3d 980, 985 (10th Cir. 2013). The complaint alleges that “Defendant Stephen M. Jefferies resides in St. Lawrence County, New York.” Compl. ¶ 2. Residency is not equivalent to citizenship. See Siloam Springs Hotel, L.L.C. v. Century Surety Co., 781 F.3d 1233, 1238 (10th Cir.

2015). Citizenship, or domicile, exists only when residence is coupled with an intention to remain in the state indefinitely. Middleton v. Stephenson, 749 F.3d 1197, 1200 (10th Cir. 2014). Residency may prima facie indicate citizenship when other proof in the record indicates citizenship. See Whitelock v. Leatherman, 460 F.2d 507, 514 n.14 (10th Cir. 1972); State Farm Mut.

Auto. Ins. Co. v. Dyer, 19 F.3d 514, 520 (10th Cir. 1994). There being no other proof in the record indicating citizenship, an allegation of “residency” and not “citizenship” is insufficient to confer Jurisdiction on this Court. Vincent v. Nelson, 51 F.4th 1200, 1211-12 (10th Cir. 2022) (noting complaint alleging residency was insufficient to confer jurisdiction); see also McEntire v. Kmart Corp., No. 09-cv-567 JB/LAM, 2010 WL 553443, at *8 (D.N.M.

Feb. 9, 2010) (collecting cases discussing requirement to amend notice of removal). The Court notes that Rule 7.1 requires a party to file a disclosure statement as to its own citizenship. See Fed. R. Civ. P. 7.1(a)(2) (“In an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), a party or intervenor must, unless the court orders otherwise, file a disclosure statement.

The statement must name—and identify the citizenship of—every individual or entity whose citizenship is attributed to that party or intervenor: when the action is filed in or removed to federal court.”). In keeping with this intent, the Court orders Defendant to file a Rule 7.1 notice within 14 days of the date of this Order. This notice must state Defendant’s citizenship or domicile, rather than residency, as of the date of the filing of the complaint.

IT IS HEREBY ORDERED that Defendant shall file a citizenship disclosure statement that fully complies with Rule 7.1(a)(2) no later than 14 days of the date of this Order. STEVEN C. YARBROUGH —wTM UNITED STATES MAGISTRATE JUDGE