

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Rajnee Huber and Thomas Huber v. Progressive Insurance Company

Huber · No. Civ. No. 25-1314 KK/SCY · Decided January 26, 2026

SUMMARY

The court orders Plaintiffs Rajnee Huber and Thomas Huber to show cause why they failed to comply with a prior order requiring Rule 7.1 disclosures identifying their citizenship. The court explains that the failure to establish citizenship may affect diversity jurisdiction and warns that noncompliance could result in dismissal of the complaint.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 26, 2026
DOCKET	Civ. No. 25-1314 KK/SCY
DISPOSITION	other
PROCEDURAL POSTURE	Defendant removed the action to federal court on the asserted basis of diversity jurisdiction. The court sua sponte ordered Plaintiffs to show cause why they failed to comply with an earlier order requiring Rule 7.1 citizenship disclosures.
PRECEDENTIAL VALUE	Trial court order; no reporter citation or precedential designation appears in the opinion.
PARTIES	Rajnee Huber, Thomas Huber v. Progressive Insurance Company

TOPICS

subject matter jurisdiction pleadings civil procedure insurance

PRACTICE AREAS

Civil procedure Federal jurisdiction Insurance litigation

QUESTIONS PRESENTED

- Whether Plaintiffs failed to comply with the court's order requiring Rule 7.1 disclosures identifying their citizenship.

2. Whether Plaintiffs should be required to show cause for that noncompliance, with dismissal identified as a possible consequence.

HOLDINGS

1. In an action removed on the basis of diversity jurisdiction, the parties must comply with Federal Rule of Civil Procedure 7.1(a)(2) by identifying the citizenship of the individuals or entities whose citizenship is attributed to them.
2. Residency is not equivalent to citizenship for purposes of federal diversity jurisdiction; citizenship requires residence coupled with an intent to remain in the state indefinitely.

KEY QUOTATIONS

“IT IS HEREBY ORDERED that no later than February 9, 2026, Plaintiffs must show cause in writing as why they failed to comply with the Court’s January 2 order.” (Order)

“Failure to comply with this order could result in dismissal of the complaint.” (Order)

FACTUAL BACKGROUND

Defendant removed the insurance action to federal court based on diversity jurisdiction. The Notice of Removal alleged that both Plaintiffs were citizens of New Mexico, but the Complaint stated that one Plaintiff resided in Nevada and did not allege either Plaintiff's citizenship. After the court ordered Plaintiffs to file Rule 7.1 citizenship disclosures, Plaintiffs missed the January 16, 2026 deadline.

PROCEDURAL HISTORY

Progressive removed the action, alleging diversity jurisdiction and identifying both Plaintiffs as New Mexico citizens, while the Complaint alleged that one Plaintiff resided in Nevada and did not allege either Plaintiff's citizenship. The court ordered Plaintiffs to file Rule 7.1 disclosures identifying their citizenship by January 16, 2026. Plaintiffs did not file the required statements, so the court ordered them to show cause in writing by February 9, 2026, warning that noncompliance could result in dismissal.

DISPOSITION

other

CASES CITED

- 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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
RAJNEE HUBER and THOMAS HUBER, Plaintiffs, vs. Civ. No. 25-1314 KK/SCY
PROGRESSIVE INSURANCE COMPANY, Defendant. ORDER TO SHOW CAUSE TO

PLAINTIFFS This matter comes before the Court sua sponte, following its Order To File Rule 7.1 Notice And Amend Notice Of Removal. Doc. 5. Defendant removed this action to federal court citing diversity jurisdiction.

Doc. 1 ¶ 3. The Court noted that the Notice of Removal alleged that both Plaintiffs are citizens of New Mexico, *id.*, yet the Complaint averred that one Plaintiff resided in Nevada, Doc. 1-1 ¶ 2. The Complaint did not allege the citizenship of any Plaintiff. Cf. *Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1238 (10th Cir. 2015) (residency is not equivalent to citizenship.); *Middleton v. Stephenson*, 749 F.3d 1197, 1200 (10th Cir.

2014) (citizenship, or domicile, exists only when residence is coupled with an intention to remain in the state indefinitely). On January 2, 2026, the Court accordingly ordered “Plaintiffs to file a Rule 7.1 notice within 14 days of the date of this Order.” Doc. 5 at 2; 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.”). That deadline expired on January 16, 2026. Plaintiffs failed to file Rule 7.1 statements as to their citizenship on the docket. IT IS HEREBY ORDERED that no later than February 9, 2026, Plaintiffs must show cause in writing as why they failed to comply with the Court’s January 2 order.

Failure to comply with this order could result in dismissal of the complaint. STEVEN C. YARBROUGH UNITED STATES MAGIST JUDGE