

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

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