

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Marie Bush, Monet Daniels, and Clarence Daniels v. Andy Brewer, et
al.

Bush · No. 25-cv-13171 · Decided November 21, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan dismissed the case without prejudice for lack of subject matter jurisdiction. The court held that the plaintiffs failed to establish complete diversity under 28 U.S.C. § 1332(a) and did not respond to the court’s order to show cause.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Judith E. Levy
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	November 21, 2025
DOCKET	25-cv-13171
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs filed an amended complaint asserting diversity jurisdiction. After issuing an order to show cause regarding the adequacy of the jurisdictional allegations, the court dismissed the action without prejudice when plaintiffs failed to respond.
STANDARD OF REVIEW	The court independently assessed whether subject matter jurisdiction existed; under Rule 12(h)(3), a court must dismiss an action whenever it determines that subject matter jurisdiction is lacking.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Marie Bush, Monet Daniels, Clarence Daniels v. Andy Brewer, et al.

TOPICS

- subject matter jurisdiction
- civil procedure
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court had diversity subject matter jurisdiction under 28 U.S.C. § 1332(a) when the amended complaint failed to establish complete diversity.
2. Whether the action had to be dismissed without prejudice under Federal Rule of Civil Procedure 12(h)(3) for lack of subject matter jurisdiction.

HOLDINGS

1. The amended complaint did not establish complete diversity, so plaintiffs failed to demonstrate that the court had diversity subject matter jurisdiction.
2. The action must be dismissed without prejudice for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(h)(3).

KEY QUOTATIONS

“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”

“The ‘objection that a federal court lacks subject-matter jurisdiction . . . may be raised by a party, or by a court on its own initiative, at any stage in the litigation, even after trial and entry of judgment.’”

FACTUAL BACKGROUND

Plaintiffs Marie Bush, Monet Daniels, and Clarence Daniels filed an amended complaint invoking diversity jurisdiction under 28 U.S.C. § 1332(a). The allegations did not establish that the parties were completely diverse, and the complaint did not allege federal-question jurisdiction. Plaintiffs failed to respond to the court's order to show cause concerning subject matter jurisdiction.

PROCEDURAL HISTORY

Plaintiffs initiated the action on October 7, 2025, and filed an amended complaint on October 8, 2025. On October 14, 2025, the court ordered plaintiffs to show cause why the case should not be dismissed for lack of subject matter jurisdiction because the complaint did not establish complete diversity. Plaintiffs did not respond by the October 28 deadline or seek additional time, so the court dismissed the case without prejudice under Federal Rule of Civil Procedure 12(h)(3).

DISPOSITION

dismissed

CASES CITED

- *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 506 (2006)

- Prime Rate Premium Finance Corp., Inc. v. Larson, 930 F.3d 759, 764-65 (6th Cir. 2019)
- Beanstalk Innovation, Inc. v. SRG Tech., LLC, 823 F. App'x 404, 408 (6th Cir. 2020)
- Pratt v. Ventas, Inc., 365 F.3d 514, 522-23 (6th Cir. 2004)

OPINION

Bush

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

Marie Bush, et al., Plaintiffs, Case No. 25-cv-13171 v. Judith E. Levy United States District Judge
Andy Brewer, et al., Mag. Judge Elizabeth A. Stafford Defendants.

ORDER DISMISSING CASE FOR

LACK OF SUBJECT MATTER JURISDICTION

Plaintiffs Marie Bush, Monet Daniels, and Clarence Daniels initiated this action on October 7, 2025. On October 8, 2025, they filed an amended complaint. (ECF No. 3.) On October 14, 2025, the Court issued an order for Plaintiffs to show cause why the case should not be dismissed for lack of subject matter jurisdiction. (ECF No. 5.) The order noted that “Plaintiffs allege that the Court has diversity jurisdiction over the case pursuant to 28 U.S.C. § 1332(a).” (ECF No. 5, PageID.28 (citing ECF No. 3, PageID.12).) The order stated that the allegations in the complaint do not establish that the complete-diversity requirement for diversity jurisdiction is met. (Id. at PageID.30.) The order specified that the deadline for Plaintiffs to respond was October 28, 2025. (Id. at PageID.33.) The response deadline has elapsed, and the Court has not received any communication from Plaintiffs. Plaintiffs have not filed a written response to the Court’s show cause order or asked for more time to respond. As a result, Plaintiffs do not that demonstrate that the parties are completely diverse. Thus, Plaintiffs do not show that the Court

(1) has diversity jurisdiction and (2) should not dismiss the case for lack of subject matter jurisdiction. Under Federal Rule of Civil Procedure Rule 12(h)(3), “[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). The “objection that a federal court lacks subject-matter jurisdiction . . . may be raised by a party, or by a court on its own initiative, at any stage in the litigation, even after trial and entry of judgment.” *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 506 (2006); see also *Prime Rate Premium Finance Corp., Inc. v. Larson*, 930 F.3d 759, 764–65 (6th Cir. 2019); *Beanstalk Innovation, Inc. v. SRG Tech., LLC*, 823 F. App’x 404, 408 (6th Cir. 2020). In the Sixth Circuit, “a dismissal for lack of subject matter jurisdiction does not operate as an adjudication on the merits for preclusive purposes.” *Pratt v. Ventas, Inc.*, 365 F.3d 514, 522 (6th Cir. 2004). Instead, when a dismissal is “jurisdictional in nature,” it is “without prejudice.” *Id.* at 523. As set forth in the

Court's order to show cause entered on October 14, 2025, Plaintiffs' allegations are insufficient to show subject matter jurisdiction under diversity jurisdiction.¹ (ECF No. 5.) Accordingly, the case is DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction under Rule 12(h)(3). IT IS SO ORDERED. Dated: November 21, 2025 s/Judith E. Levy Ann Arbor, Michigan
JUDITH E. LEVY United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 21, 2025. s/William Barkholz
WILLIAM BARKHOLZ

Case Manager 1 Plaintiffs do not allege in the amended complaint that federal question jurisdiction exists.