

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Alaniz v. Sutherland and Schneider National Carriers, Inc.

Alaniz · No. 26-339 JPG · Decided March 27, 2026

SUMMARY

The United States District Court for the Southern District of Illinois identifies a jurisdictional defect in the defendants' notice of removal: failure to allege the citizenship, rather than merely the residence, of an individual defendant. The court orders the defendants to amend the pleading by April 10, 2026, warning that failure to cure the defect will result in remand for lack of subject-matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	J. Phil Gilbert
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 27, 2026
DOCKET	26-339 JPG
DISPOSITION	other
PROCEDURAL POSTURE	The court conducted an initial review of the jurisdictional allegations in defendants' Notice of Removal and identified a defect in the pleading of diversity jurisdiction.
STANDARD OF REVIEW	The court independently reviewed whether subject-matter jurisdiction was adequately alleged.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court

TOPICS

- subject matter jurisdiction
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- removal

QUESTIONS PRESENTED

1. Whether a Notice of Removal invoking diversity jurisdiction must allege an individual defendant's citizenship rather than merely the defendant's residence.
2. Whether the court should allow defendants to amend a defective jurisdictional pleading under 28 U.S.C. § 1653 before remanding the action.

HOLDINGS

1. A pleading invoking diversity jurisdiction must allege an individual defendant's citizenship; an allegation of residence alone is jurisdictionally insufficient.
2. The court may allow defendants to amend a defective jurisdictional pleading to correct the omission under 28 U.S.C. § 1653; failure to cure will require remand for lack of subject-matter jurisdiction.

KEY QUOTATIONS

“A complaint asserting diversity jurisdiction must allege the citizenship of an individual defendant, not merely residence.”

“Failure to cure the noted defect will result in remand of this case for lack of subject subject matter jurisdiction”

FACTUAL BACKGROUND

Defendants removed a personal-injury action to federal court based on diversity jurisdiction. The Notice of Removal alleged Dean M. Sutherland's residence but did not allege his citizenship, creating a defect in the jurisdictional allegations.

PROCEDURAL HISTORY

Defendants removed the action to the Southern District of Illinois. On its own review, the court found that the Notice of Removal alleged Dean M. Sutherland's residence but not his citizenship and ordered defendants to amend the pleading by April 10, 2026; failure to cure would result in remand for lack of subject-matter jurisdiction.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendants must amend the Notice of Removal by April 10, 2026 to allege Dean M. Sutherland's citizenship. If the defect is not cured, the case will be remanded for lack of subject-matter jurisdiction.

CASES CITED

- Foster v. Hill, 497 F.3d 695, 696-97 (7th Cir. 2007)
- Hertz Corp. v. Friend, 559 U.S. 77, 94 (2010)

- Meyerson v. Harrah's East Chicago Casino, 299 F.3d 616, 617 (7th Cir. 2002)
- Held v. Held, 137 F.3d 998, 1000 (7th Cir. 1998)
- Steigleder v. McQuesten, 198 U.S. 141 (1905)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS MIGUEL A. ALANIZ, Plaintiff, v. Case No. 26-339 JPG DEAN M. SUTHERLAND and SCHNEIDER NATIONAL CARRIERS, INC., Defendants. MEMORANDUM AND ORDER In light of Seventh Circuit Court of Appeals admonitions, see Foster v. Hill, 497 F.3d 695, 696-97 (7th Cir. 2007), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled.

See Hertz Corp. v. Friend, 559 U.S. 77, 94 (2010) (noting courts' "independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it"). The Court has noted the following defect in the jurisdictional allegations of the Notice of Removal (Doc. 1) filed by defendant. • Failure to allege the citizenship of an individual.

A complaint asserting diversity jurisdiction must allege the citizenship of an individual defendant, not merely residence. 28 U.S.C. § 1332(a)(1); Meyerson v. Harrah's East Chicago Casino, 299 F.3d 616, 617 (7th Cir. 2002); Held v. Held, 137 F.3d 998, 1000 (7th Cir. 1998). Allegations of "residence" are jurisdictionally insufficient. Steigleder v. McQuesten, 198 U.S. 141 (1905).

Dismissal is appropriate where parties allege residence but not citizenship. Held, 137 F.3d at 1000. Notice of Removal alleges residence but not citizenship of Dean M. Sutherland. The Court hereby ORDERS Defendants shall have up to and including April 10, 2026 to amend the faulty pleading to correct the jurisdictional defects. See 28 U.S.C. § 1653. Failure to cure the noted defect will result in remand of this case for lack of subject subject matter jurisdiction will satisfy this order.

Defendant is directed to consult Local Rule 15.1 regarding amended pleadings and need not seek leave of Court to file such amended pleading. IT IS SO ORDERED. DATED: 3/27/2026 s/J. Phil Gilbert J. PHIL GILBERT DISTRICT JUDGE