

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLES JOHNSON AND	§	
APRYL JOHNSON,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Action No. 3:22-CV-1330-E
	§	
JP MORGAN CHASE BANK, N.A. AND	§	
CARRINGTON MORTGAGE	§	
SERVICES, LLC	§	
	§	
Defendants.	§	

**ORDER**

Defendants' Notice of Removal, filed on June 20, 2022, appears to predicate subject matter jurisdiction upon diversity of citizenship, 28 U.S.C. § 1332, but fails to properly allege the citizenship of Defendant Carrington Mortgage Services, LLC. The party asserting diversity jurisdiction must distinctly and affirmatively allege the citizenship of the parties. *Smith v. Toyota Motor Corp.*, 978 F.3d 280, 282 (5th Cir. 2020). The basis upon which jurisdiction depends cannot be established argumentatively or by mere inference. *Illinois Cent. Gulf R.R. v. Pargas, Inc.*, 706 F.2d 633, 636 (5th Cir. 1983).

The citizenship of an LLC is determined by the citizenship of all of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir.

2008). When a party is an LLC, the notice of removal needs to identify the LLC's members and allege their citizenship. See *MidCap Media Fin. LLC v. Pathway Data, Inc.*, 929 F.3d 310, 314 (5th Cir. 2019). Defendants' notice of removal alleges that Plaintiffs are Texas citizens, Defendant JP Morgan Chase Bank, N.A., is an Ohio citizen, and Defendant Carrington Mortgage Services LLC's members are "natural persons who are not citizens of the state of Texas." Because Defendants failed to identify the LLC members and allege their citizenship, Defendants have not distinctly and affirmatively alleged the citizenship of Carrington Mortgage Services. See *North Cypress Med. Ctr. Operating Co. v. Travelers Prop. Cas. Co. of Am.*, No. H-09-1272, 2009 WL 10695071, at \*4 (S.D. Tex. July 7, 2009); *Smith v. Wal-Mart Stores, Inc.*, No. EP-08-CV-085-PRM, 2008 WL 11333885, at \*2 (W.D. Tex. June 23, 2008).

Until Defendants properly allege Carrington Mortgage Services' citizenship, this Court is not shown to have subject matter jurisdiction. See *Am. Motorists Ins. Co. v. Am. Emp'rs' Ins. Co.*, 600 F.2d 15, 16 (5th Cir. 1979) (per curiam). Accordingly, no later than 21 days from the date of this order, Defendants must file an amended notice of removal that alleges diversity of citizenship in conformity with 28 U.S.C. § 1332; otherwise, this action will be remanded to state court.

**SO ORDERED**; signed June 23, 2022.

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UNITED STATES DISTRICT JUDGE