

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CHRISTY BAUGHMAN,)
)
 Plaintiff,)
)
 v.)
)
 ALLSTATE FIRE AND)
 CASUALTY INSURANCE COMPANY)
 and WALTER BISHOP,)
)
 Defendants.)

Case No. 18-1217-JWB

REPORT AND RECOMMENDATION

On July 15, 2019, the court ordered the parties to show cause why the undersigned should not recommend that this case be remanded to state court for lack of subject matter jurisdiction. (ECF No. 65.) In response to the show cause order, Plaintiff Christy Baughman and Defendant Allstate Fire and Casualty Insurance Company concede that diversity jurisdiction was destroyed when Ms. Baughman joined Defendant Walter Bishop, a citizen of the same state as Ms. Baughman. (ECF Nos. 67 and 68.) Mr. Bishop did not respond.

For the court to have diversity jurisdiction pursuant to 28 U.S.C. § 1332, there must be complete diversity of citizenship between the adverse parties. *Symes v. Harris*, 472 F.3d 754, 758 (10th Cir. 2006). Because Ms. Baughman and Mr. Bishop are citizens of the same state, diversity jurisdiction does not exist. For this reason, the undersigned recommends that the district judge remand this case to Sedgwick County District Court.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72, the parties shall have fourteen (14) days after service of this Report and Recommendation to file any written objections.

Dated July 18, 2019, at Topeka, Kansas.

s/ Angel D. Mitchell
Angel D. Mitchell
U.S. Magistrate Judge