

Looking at the factors that have been analyzed time and time again in this district, we find that the defendant intended to remain in California for an indefinite period of time. See Avins v. Hannum, 497 F. Supp. 930, 937 (E.D. Pa. 1980). Although he is attending a one-year school program in California while his mother continues to live in Pennsylvania, he was 23 years old when he left and had already completed two years of college in Pennsylvania. Upon his move, he took the majority of his belongings, including vehicles and furniture. Shortly after his arrival in California, he opened up a bank account, purchased a new car and a new motorcycle, registered and insured these vehicles in California, and applied for a California driver's license. One of his vehicles is still registered in Pennsylvania, he has a bank account in Pennsylvania, and he remains registered to vote in the Commonwealth although he has not voted at all while in California. At his deposition, he testified that ultimately, whether he would remain in California would depend upon where he finds a job after graduation.

Based on the totality of the evidence, we find that, at the time the complaint was filed, the defendant had given up his domicile in Pennsylvania and intended to remain in California indefinitely. It is of no import that he may have contemplated a "vague possibility of eventually going elsewhere, or even of returning whence he came." Gallagher, 185 F.2d at 546.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARY E. MURPHY, et al. : CIVIL ACTION
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JORDAN S. MILLER : NO. 04-2466

ORDER

AND NOW, this 8th day of February, 2005, it is hereby
ORDERED that the motion of defendant to dismiss for lack of
subject matter jurisdiction (Doc. # 10) is DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.