

E-Filed — JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 10-8053-GHK (AJWx)

Date December 3, 2010

Title *Rommel Alarcon v. JPMorgan Chase Bank, et al.*

Presiding: The Honorable

GEORGE H. KING, U. S. DISTRICT JUDGE

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: (In Chambers) Order re: Defendants’ Motion to Dismiss; [5]

This matter is before the Court on the Motion to Dismiss (“Motion”) filed on November 2, 2010 by Defendants California Reconveyance Co. and JPMorgan Chase Bank, N.A. (collectively, “Defendants”). On November 23, 2010, Plaintiffs Rommel Alarcon and Rosario San Luis (collectively, “Plaintiffs”) filed a First Amended Complaint. Under Federal Rule of Civil Procedure 15(a)(1), a party may amend a pleading as a matter of course within “21 days after service of a motion under 12(b).” Plaintiffs have met this filing deadline to amend. Defendants’ Motion is **DENIED as moot**.

The First Amended Complaint does not allege any federal claims, and the Parties are not fully diverse, depriving us of subject matter jurisdiction. *See* 28 U.S.C. § 1331; *id.* § 1332; *see also* 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). Therefore, this case is **REMANDED** to the state court from which it was removed, and the clerk shall effect such remand forthwith.

IT IS SO ORDERED.

Initials of Deputy Clerk

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Bea