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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MANUEL QUINTANA, an  
individual,  
  
Plaintiff,  
  
v.  
  
WELLS FARGO BANK, NATIONAL  
ASSOCIATION AS TRUSTEE FOR  
THE CERTIFICATE HOLDERS OF  
STRUCTURED ASSET MORTGAGE  
INVESTMENTS II, INC., BEAR  
STERNS MORTGAGE FUNDING  
TRUST 2007-AR3 MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2007-AR3; J.P. MORGAN  
CHASE BANK, M.A., a National  
Banking Association; EMC  
MORTGAGE CORPORATION, a  
California corporation;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,  
a National Banking  
Association; OAKTREE FUNDING  
CORPORATION, a California  
corporation; QUALITY LOAN  
SERVICE CORPORATION, a  
California corporation;  
CENTURY 21 POWERHOUSE  
REALITY, a California  
corporation,  
  
Defendants.

Case No. CV 12-10124 DDP (RZx)  
  
**ORDER DISMISSING CASE**

1 Plaintiff filed his Complaint in this court on November 27,  
2 2012, and an Application for Temporary Restraining Order on  
3 November 29, 2012. The court denied the Application for Temporary  
4 Restraining Order. On March 4, 2013, the court issued an Order to  
5 Show Cause Why This Case Should Not Be Dismissed for Lack of  
6 Jurisdiction. Plaintiff requested an extension of time to file a  
7 supporting brief in response to the Order to Show Cause, which was  
8 granted by the court. Plaintiff's response deadline was extended  
9 from March 14, 2013, to April 17, 2013. Plaintiff filed no papers  
10 until June 14, 2013, when he filed a Request to File First Amended  
11 Complaint. The court granted that request and now dismisses the  
12 action.

13 This court has an independent duty to determine whether it has  
14 subject matter jurisdiction, regardless whether the parties have  
15 raised the issue. United Investors Life Ins. Co. v. Waddell & Reed  
16 Inc., 360 F.3d 960, 966 (9th Cir. 2004). "[W]hen a federal court  
17 concludes that it lacks subject-matter jurisdiction, the court must  
18 dismiss the complaint in its entirety." Arbaugh v. Y&H Corp., 546  
19 U.S. 500, 514 (2006); Fed. R. Civ. P. 12(c) ("If the court  
20 determines at any time that it lacks subject-matter jurisdiction,  
21 the court must dismiss the action.").

22 District courts have original jurisdiction "of all civil  
23 actions where the matter in controversy exceeds the sum or value of  
24 \$75,000, exclusive of interest and costs and is between . . .  
25 citizens of different States." 28 U.S.C. § 1332(a)(1). Complete  
26 diversity of citizenship is required, meaning each of the  
27 plaintiffs must be a citizen of a different state than each of the  
28 defendants. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996).

1 Here, the court finds that both Plaintiff and Defendant Wells  
2 Fargo Bank, N.A. ("Wells Fargo") are citizens of California.  
3 Several courts in this Circuit have held that a national banking  
4 association is a citizen of the state where its principal place of  
5 business is located. See, e.g., Taheny v. Wells Fargo Bank, N.A.,  
6 878 F. Supp. 2d 1093, (E.D. Cal. 2012); Singer v. Wells Fargo Bank,  
7 N.A., No. SACV 12-801, 2012 WL 2847790 (C.D. Cal. July 11, 2012);  
8 Rouse v. Wachovia Mortg., FSB, No. EDCV 11-00928, 2012 WL 174206  
9 (C.D. Cal. Jan. 13, 2012). These courts have therefore concluded  
10 that Wells Fargo is a citizen of California. See, e.g., Taheny,  
11 878 F. Supp. 2d at 1094; Singer, 2012 WL 2847790, at \*5; Rouse,  
12 2012 WL 174206, at \*14; Raifman v. Wachovia Securities, LLC, No. C  
13 11-02885 SBA, 2012 WL 1611030 at \*1 (N.D. Cal. May 8, 2012). This  
14 court agrees with these well-reasoned decisions.

15 Additionally, Ruzicka & Wallace, LLP, identified as a  
16 California Corporation, is a citizen of California, thus  
17 independently defeating diversity jurisdiction. (FAC ¶ 15.)

18 Because Plaintiff and Defendants Wells Fargo and Ruzicka &  
19 Wallace are citizens of California, the parties are not completely  
20 diverse. This court therefore lacks subject matter jurisdiction  
21 over this action under diversity jurisdiction.

22 Under 28 U.S.C.A. § 1331, "[t]he district courts shall have  
23 original jurisdiction of all civil actions arising under the  
24 Constitution, laws, or treaties of the United States." "Under the  
25 longstanding well-pleaded complaint rule, however, a suit 'arises  
26 under' federal law only when the plaintiff's statement of his own  
27 cause of action shows that it is based upon federal law." Vaden v.  
28

1 Discover Bank, 556 U.S. 49, 60 (2009) (internal quotation marks and  
2 citation omitted).

3 Here, none of Plaintiff's causes of action is brought under  
4 federal law. Plaintiff references a Consent Judgment in United  
5 States of America, et al., v. Bank of America Corp., et al., United  
6 States District Court No. 12-0361 in the context of his eleventh  
7 cause of action, which alleges fraud and deceit by Defendants  
8 under California common law. (FAC ¶¶ 20-21, 158.) Whether a  
9 federal consent decree was violated is an issue governed by federal  
10 law. Abadam v. State of Hawaii, 248 F.3d 1169 (9th Cir. 2000).  
11 Likewise, an attempt to enforce a federal consent decree is a  
12 "claim 'arising under' federal law." Id. Here, however, the  
13 action will not require the court to interpret or enforce the  
14 Consent Judgment, so the reference to the consent judgment does not  
15 create a federal question.

16 Accordingly, this matter is DISMISSED.

17  
18 IT IS SO ORDERED.

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21 Dated: August 12, 2013



DEAN D. PREGERSON  
United States District Judge