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UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 12-670 AG (JPRx)	Date	May 11, 2012			
Title	MARK KERANS, et al. v. NEW CENTURY MORTGAGE CORP., et a					

Present: The Honorable	ANDREW J. GUILFORD			
Lisa Bredahl	Not Present			
Deputy Clerk	Court Reporter / Recorder	Tape No.		
Attorneys Present	for Plaintiffs: Attorneys Pre	esent for Defendants:		

Proceedings: [IN CHAMBERS] ORDER DISMISSING CASE FOR LACK
OF SUBJECT MATTER JURISDICTION

Pro se Plaintiffs Mark Kerans and Theresa Kerans ("Plaintiffs") filed a foreclosure-related action on March 7, 2012 against Defendants New Century Mortgage Group, BAC Home Loans, ReconTrust Company, Redline Investments, and Tymeout LP. (*Kerans v. New Century Mortgage Group*, Case No. SACV 12-356 AG (JPRx) (*Kerans I*).) The caption of the Complaint stated "FOR THE RECORD WRONGFUL FORECLOSURE ENJOIN WRONGFUL EVICTION." The Court dismissed that action on March 16, 2012 for lack of subject matter jurisdiction.

On May 1, 2012, Plaintiffs filed a second, nearly identical, foreclosure-related action in this Court against Defendants BAC Home Loans, Deutsche Bank National Trust Company, Redline Investments, and Tymeout LP. The caption of the Complaint again states "FOR THE RECORD WRONGFUL FORECLOSURE ENJOIN WRONGFUL EVICTION."

The jurisdiction section of Plaintiffs' Complaint in *Kerans I* alleged diversity jurisdiction under 28 U.S.C. § 1332. But elsewhere in that Complaint, Plaintiffs alleged that all

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This time, Poor rights as the dollars. Juri which prohibits payments of	citizens of California and that the amolaintiffs state that "[j]urisdiction is his is a 'suit at Common Law' and the sdiction is further based on Article 1, bits states from making anything but b debts." (Complaint at 2-3.) As in Kaidentified anywhere in the Complaint.	based or value in Section 1 old [sic]	the 7th controve 0 of the and silve	amendment to the Billersy exceeds twenty U.S. Constitution or coin a tender in		
Plaintiffs wh	ase is DISMISSED for lack of subject the dismissing <i>Kerans I</i> for the same rand wrongful eviction appear more appropriately.	eason, th	eir claim	s for wrongful		
DISPOSITI	ON					
filing further	DISMISSED without prejudice for lac r lawsuits in federal court, Plaintiffs ar nder California Code of Civil Procedu	e urged t	o review			
		Initials of Preparer	;	: 0		