

1 Eric Houser (SBN 130079)
 2 Joshua H. Abel (SBN 244592)
 HOUSER & ALLISON
 3 A Professional Corporation
 4 9970 Research Drive
 Irvine, California 92618
 5 Phone: (949) 679-1111
 6 Fax: (949) 679-1112
jabel@houser-law.com

7
 8 Attorneys for Plaintiff, HSBC Bank USA, NA, As Trustee on Behalf of Ace
 Securities Corp. Home Equity Loan Trust and for the Registered Holders of Ace
 9 Securities Corp. Home Equity Loan Trust, Series 2007-ASAP1 Asset Backed Pass-
 Through Certificates
 10

11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE EASTEN DISTRICT OF CALIFORNIA**

13		
14	HSBC BANK USA, NA, AS) Case No.: 1:09-CV-01260-OWW-JLT
15	TRUSTEE ON BEHALF OF ACE)
16	SECURITIES CORP. HOME EQUITY) ORDER ON PLAINTIFF'S
17	LOAN TRUST AND FOR THE) MOTION TO REMAND TO KERN
18	REGISTERED HOLDERS OF ACE) COUNTY SUPERIOR COURT
19	SECURITIES CORP. HOME EQUITY) PURSUANT TO 28 U.S.C. § 1447(C)
20	LOAN TRUST, SERIES 2007-ASAP1)
21	ASSET BACKED PASS-THROUGH)
22	CERTIFICATES,) Hon.: Oliver W. Wanger
23)
24	Plaintiff,)
25)
26	vs.)
27)
28	ERIC VALENCIA, HILDA)
	VALENCIA,)
)
	Defendants.)

26 Plaintiff HSBC Bank USA, NA, As Trustee on Behalf of Ace Securities
 27 Corp. Home Equity Loan Trust and for the Registered Holders of Ace Securities
 28 Corp. Home Equity Loan Trust, Series 2007-ASAP1 Asset Backed Pass-Through

1 Certificates' ("Plaintiff") Motion to Remand the above-captioned matter to the
2 Superior Court of California, County of Kern was called on February 8, 2010 at
3 the 10:00 a.m. calendar call. Joshua Abel of Houser & Allison, APC appeared on
4 behalf of plaintiff by telephonic appearance. Defendants, in pro per, appeared in
5 the Court.

6 Defendants did not file any written opposition to the motion. After
7 consideration of Plaintiff's motion and oral argument at the time of the hearing,
8 the Court issued and served its Memorandum of Decision and Order Re:
9 Plaintiff's Motion To Remand on February 10, 2010 as Document 16. This
10 memorandum sets forth the Court's reasoning in detail.

11 For the reasons set forth in the Memorandum of Decision, the Court
12 hereby GRANTS Plaintiff's Motion To Remand as follows:

13 (1) Federal question jurisdiction is lacking and removal cannot be
14 justified on this basis.

15 (2) Diversity jurisdiction is lacking and removal cannot be justified on
16 this basis.

17 Defendants have not shown that the removal was proper. Support for
18 removal does not exist for diversity jurisdiction or federal question jurisdiction.
19 As a result, subject matter jurisdiction is lacking, and Plaintiff's Motion To
20 Remand is GRANTED. This case is ORDERED remanded to the Kern County
21 Superior Court.

22
23 IT IS SO ORDERED.

24
25 Date: February 11, 2010

/s/ OLIVER W. WANGER

Senior United States District Court Judge