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**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

**EDISON CORTEZ, et al.,**

**Plaintiffs,**

**v.**

**WELLS FARGO, N.A., et al.,**

**Defendants.**

**1:14-cv-01060-LJO-SAB**

**ORDER DISMISSING COMPLAINT  
FOR LACK OF JURISDICTION**

12 Edison Cortez and Severina Cortez (“Plaintiffs”), acting pro se, filed this complaint against  
13 Wells Fargo N.A, Eric Juarez, Barrett Daffin Frappier & Weiss, LLP, and Does 1-50 (“Defendants”) for  
14 intentional misrepresentation and unfair and deceptive business practices in violation of California Civil  
15 Code § 2924 and fraud in violation of 18 U.S.C. §§ 1001, 1341, and 1343. Plaintiffs also named Orchard  
16 Terrace Estates, LLC as a Third-Party Defendant (“Third-Party Defendant”). Doc. 1. In a July 11, 2014  
17 Order, United States Magistrate Judge Stanley A. Boone found that the complaint should be dismissed  
18 for failure to state a claim, and provided Plaintiffs with an opportunity to submit a written memorandum  
19 opposing dismissal along with a proposed amended complaint. Doc. 4.

20 A district court may dismiss a claim *sua sponte* under Federal Rule of Civil Procedure 12(b)(6) if  
21 the Court gives notice of its intention to dismiss and affords the plaintiff an opportunity to submit a  
22 written memorandum in opposition to *sua sponte* dismissal. *Lee v. City of Los Angeles*, 250 F.3d 668,  
23 683 n.7 (9th Cir. 2001). Moreover, district courts have authority to dismiss actions *sua sponte* for lack of  
24 jurisdiction. *Franklin v. Or. State Welfare Division*, 662 F.2d 1337, 1342 (9th Cir. 1981).

25 Magistrate Judge Boone’s July 11 Order articulated valid reasons why this Court does not have  
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1 jurisdiction over Plaintiffs' complaint. Magistrate Judge Boone afforded Plaintiffs an opportunity to  
2 submit a memorandum opposing dismissal. Plaintiffs failed to respond. Accordingly and for the reasons  
3 set forth in Magistrate Judge Boone's July 11 Order, the Complaint is DISMISSED WITHOUT LEAVE  
4 TO AMEND. The Clerk of Court is directed to close this case and administratively terminate the  
5 pending motion to dismiss (Doc. 5).

6 **SO ORDERED**

7 **Dated: September 18, 2014**

8 /s/ Lawrence J. O'Neill  
9 **United States District Judge**  
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