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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 PATRICK LOURIM and DONNA
12 LOURIM

No. 2:09-cv-01101-MCE-GGH

13 Plaintiffs,

14 v.

MEMORANDUM AND ORDER

15 AMERICAN HOME MORTGAGE
16 SERVICING, INC., et. al.,

17 Defendants.
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19 This action arises out of a mortgage loan transaction in
20 which Plaintiffs Patrick Lourim and Donna Lourim ("Plaintiffs")
21 obtained a home loan in October 2005. Presently before the Court
22 is a Motion by Defendants American Home Mortgage Servicing, Inc.,
23 Power Default Services f/k/a AHMSI Default Services, Inc. and
24 Mortgage Electronic Registration Systems (collectively
25 "Defendants") to Dismiss the claims alleged against them in
26 Plaintiffs' Second Amended Complaint for failure to state a claim
27 upon which relief may be granted pursuant to Federal Rule of
28 Civil Procedure 12(b)(6).

1 Defendants also move for a more definite statement pursuant to
2 Federal Rules of Civil Procedure 12(b)(e).¹

3 Plaintiffs' Second Amended Complaint alleged violations of
4 both federal and state laws, including the federal Real Estate
5 Settlement Procedures Act, 12 U.S.C. § 2605 et seq. ("RESPA") and
6 the federal Truth in Lending Act, 15 U.S.C. § 1601 et seq.
7 ("TILA"). However, Plaintiffs' have subsequently filed a
8 Statement of Non-Opposition in which they do not oppose dismissal
9 of their federal claims alleging violations of TILA and RESPA.

10 With only Plaintiffs' state law claims remaining, this Court
11 ceases to have subject matter jurisdiction over the suit. The
12 Court declines to exercise its supplemental jurisdiction over the
13 remaining state causes of action and they are dismissed without
14 prejudice. The Court need not address the merits of Defendants'
15 Motion to Dismiss (Docket No. 21) as those issues are now moot.
16 Defendants' Motion for a More Definite Statement (Docket No. 21)
17 is also moot.

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27 ¹ Because oral argument will not be of material assistance,
28 the Court ordered this matter submitted on the briefing. E.D.
Cal. Local Rule 230(g).

1 Notwithstanding, Plaintiffs are cautioned against filing
2 Complaints in this Court and then dismissing the federal claims
3 as soon as a Motion to Dismiss is filed.

4 For the reasons stated above, the case is dismissed.
5 The Clerk is directed to close the file.

6 IT IS SO ORDERED.

7 Dated: March 25, 2010

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10 MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE
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