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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EFRAIN RAMIREZ and MARY C.  
RAMIREZ

No. 2:09-cv-01335-MCE-KJM

Plaintiffs,

v.

MEMORANDUM AND ORDER

FIRST FRANKLIN BANK, et. al.,  
Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiffs Efrain Ramirez and Mary C. Ramirez ("Plaintiffs") obtained a home loan in September 2006. Presently before the Court is a Motion by Defendants First Franklin Financial Corporation, Mortgage Electronic Registrations Systems, Inc., and Select Portfolio Servicing, Inc. (collectively "Defendants") to Dismiss the claims alleged against them in Plaintiffs' First Amended Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

1 Plaintiffs' First Amended Complaint alleged violations of  
2 both federal and state laws, including the Truth in Lending Act,  
3 15 U.S.C. § 1601 et seq. ("TILA") and the Real Estate Settlement  
4 Procedures Act, 12 U.S.C. § 2605 et seq. ("RESPA"). However,  
5 Plaintiffs subsequently filed an Opposition to Defendants' Motion  
6 to Dismiss in which they state non-opposition to dismissal of  
7 their federal claims alleging violations of TILA and RESPA.

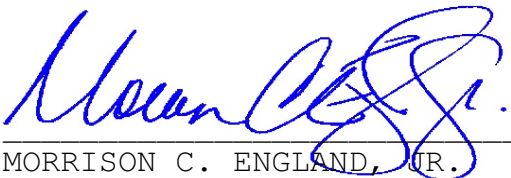
8 With only Plaintiffs' state law claims remaining, this Court  
9 ceases to have subject matter jurisdiction over the suit. The  
10 Court declines to exercise its supplemental jurisdiction over the  
11 remaining state causes of action and they are dismissed without  
12 prejudice. The Court need not address the merits of Defendants'  
13 Motion to Dismiss (Docket No. 36) as those issues are now moot.<sup>1</sup>

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

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

19 IT IS SO ORDERED.

20 Dated: March 25, 2010

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23 MORRISON C. ENGLAND, JR.  
24 UNITED STATES DISTRICT JUDGE

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