

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 TOU CHANG,

No. 2:09-cv-01644-MCE-KJN

12 Plaintiff,

13 v.

MEMORANDUM AND ORDER

14 EMC MORTGAGE CORP., et. al.,

15 Defendants.  
16

-----oo0oo-----

17 This action arises out of a mortgage loan transaction in  
18 which Plaintiff Tou Chang ("Plaintiff") obtained a home loan in  
19 June 2006. Presently before the Court is a Motion by Defendants  
20 EMC Mortgage Corporation, Bear Stearns Residential Mortgage  
21 Corporation, and Mortgage Electronic Registrations Systems, Inc.  
22 (collectively "Defendants") to Dismiss the claims alleged against  
23 them in Plaintiff's First Amended Complaint for failure to state  
24 a claim upon which relief may be granted pursuant to Federal Rule  
25 of Civil Procedure 12(b)(6).<sup>1</sup>  
26

---

27 <sup>1</sup> 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 Plaintiff's 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 Plaintiff subsequently filed an Opposition to Defendants' Motion  
6 to Dismiss in which he does not oppose dismissal of his federal  
7 claims alleging violations of TILA and RESPA. (Docket No. 16)<sup>2</sup>

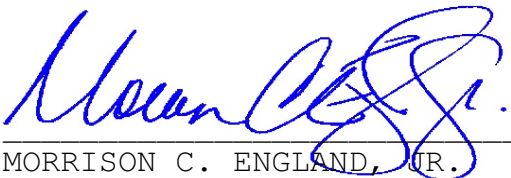
8 With only Plaintiff's state law claims remaining, this Court  
9 ceases to have subject matter jurisdiction over the suit. The  
10 Court declines to exercise its supplemental jurisdiction over the  
11 remaining state causes of action and they are dismissed without  
12 prejudice. The Court need not address the merits of Defendants'  
13 Motion to Dismiss (Docket No. 27) as those issues are now moot.

14 Notwithstanding, Plaintiff is 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 for lack  
18 of subject matter jurisdiction. The Clerk is directed to close  
19 the file.

20 IT IS SO ORDERED.

21 Dated: March 25, 2010

22   
23 \_\_\_\_\_  
24 MORRISON C. ENGLAND, JR.  
25 UNITED STATES DISTRICT JUDGE  
26

27 <sup>2</sup> Plaintiff's Opposition explicitly expresses non-opposition  
28 to dismissal of his RESPA claim. With respect to the TILA claim,  
Plaintiff has not explicitly opposed the motion, and based upon  
such lack of opposition, the Court dismisses the claim.