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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES H. GEROW and CAROLYN FIGUIERA-GEROW,

No. 2:09-cv-01659-MCE-GGH

Plaintiffs,

v.

MEMORANDUM AND ORDER

HOMEQ SERVICING; EQUIFIRST CORPORATION; T.D. SERVICE COMPANY; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; UNITED MORTGAGE AND REALTY SOLUTIONS, INC.; BRIANNA WATERS; DAVID MICHAEL RISSE; and DOES 1 through 200, inclusive,

Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiffs James H. Gerow and Carolyn Figuiera-Gerow ("Plaintiffs") refinanced their home in 2007. Presently before the Court is a Motion by Plaintiffs seeking leave to file a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a).

1 In Plaintiffs' First Amended Complaint, Plaintiffs allege
2 violations of both federal and state laws, including the Truth in
3 Lending Act, 15 U.S.C. § 1601 et seq. ("TILA") and the Real
4 Estate Settlement Procedures Act, 12 U.S.C. § 2605 et seq.
5 ("RESPA"). However, in seeking leave to amend, Plaintiffs have
6 submitted a proposed Amended Complaint in which no federal causes
7 of action are alleged.

8 With only state law claims alleged, this Court ceases to
9 have subject matter jurisdiction over the suit. The Court
10 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 Plaintiffs'
13 Motion to Amend (Docket No. 38) as those issues are now moot.

14 On the Court's own Motion, this case is hereby dismissed
15 without prejudice for lack of subject matter jurisdiction.¹ The
16 Clerk is directed to close the file.

17 IT IS SO ORDERED.

18 Dated: June 10, 2010

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22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
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27 ¹ Because oral argument will not be of material assistance,
28 the Court orders this matter submitted on the briefs. E.D. Cal.
Local Rule 230(g).