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

MARK HUESTIS and DIANE HUESTIS,	)	
	)	
Plaintiffs,	)	2:09-cv-01739-GEB-DAD
	)	
v.	)	<u>ORDER</u>
	)	
INDYMAC FEDERAL BANK; HOME LOAN	)	
SERVICING; INDYMAC BANK, F.S.B.;	)	
QUALITY LOAN SERVICE CORP.;	)	
MORTGAGE ELECTRONIC REGISTRATION	)	
SYSTEMS, INC.; ABSOLUTE LOANS,	)	
INC.; KEVIN DANIEL MCGILL,	)	
	)	
Defendants.	)	
	)	

On April 5, 2010, Plaintiffs filed a motion asking the Court to decline exercising supplemental jurisdiction over their case since they are "unable to obtain further supporting facts" in support of their Truth in Lending Act and Real Estate Settlement Procedures Act claims. Plaintiffs also request that the Court take judicial notice of an amended complaint they seek desire to become the operative complaint, which does not include a federal claim.

Plaintiffs request to dismiss their federal claims is granted. Therefore, federal question jurisdiction no longer exists and the Court may decide whether to continue to exercise supplemental jurisdiction over Plaintiffs' state law claims. See Acri v. Varian Assocs., Inc., 114 F.3d 999, 1000 (9th Cir. 1997) (en banc). Under U.S.C. § 1367(c)(3), a district court "may decline to exercise

1 supplemental jurisdiction over a [state] claim" if "the district court  
2 has dismissed all claims over which it has original jurisdiction  
3 . . . ." "While discretion to decline . . . supplemental jurisdiction  
4 over state law claims is triggered by the presence of one of the  
5 conditions in § 1367(c), it is informed by the . . . values of  
6 economy, convenience, fairness and comity" as delineated by the  
7 Supreme Court in United Mine Workers of Am. v. Gibbs, 383 U.S. 715,  
8 726 (1966). Acri, 114 F.3d at 1001. "Since state courts have the  
9 primary responsibility to develop and apply state law, . . . the Gibbs  
10 values do not favor continued exercise of supplemental jurisdiction  
11 over [Plaintiffs'] state claims . . . ." Anderson v. Countrywide  
12 Fin., No. 2:08-cv-01220-GEB-GGH, 2009 WL 3368444, at \*5 (E.D. Cal.  
13 Oct. 19, 2009); see also Acri, 114 F.3d at 1001 (stating that "in the  
14 usual case in which all federal-law claims are eliminated before  
15 trial, the balance of factors will point towards declining to exercise  
16 jurisdiction over the remaining state-law claims" (quotations and  
17 citation omitted)). Therefore, Plaintiff's state law claims are  
18 dismissed without prejudice under 28 U.S.C. § 1367(c)(3).

19 This case shall be closed.

20 Dated: April 9, 2010

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23 GARLAND E. BURRELL, JR.  
24 United States District Judge  
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