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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK OSEI,

NO. CIV. S-09-1981 LKK/JFM

Plaintiff,

v.

COUNTRYWIDE HOME LOANS;
LENDING 1st MORTGAGE;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
DELTA MORTGAGE & REAL
ESTATE; JEFFREY ALAN
PELLETIER; JEFFREY PAUL
OLSON; JEFF BRYAN DELORA;
and DOES1-20, inclusive,

O R D E R

Defendants.

_____/

Plaintiff's second amended complaint states claims for violation of various state laws. All defendants who have appeared in this case move to dismiss all claims against them. Dkt. Nos. 55, 58, 59. Defendants Pelletier Finance, Inc. dba Delta Mortgage and Real Estate, Jeffrey Allen Pelletier, Jeffrey Paul Olson, and Jeff Bryan Delora ("Pelletier Finance defendants") move to dismiss because this court lacks subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(1), and for failure to state a claim, pursuant to Fed. R. Civ. P. 12(b)(6). Defendants Bank of America


1 Corporation and Mortgage Electronic Registration Systems, Inc.
2 ("Bank of America defendants") only move to dismiss for failure to
3 state a claim. Plaintiff opposed both motions to dismiss for
4 failure to state a claim, yet filed a statement of non-opposition
5 as to the Pelletier Finance defendants' motion to dismiss for lack
6 of subject matter jurisdiction.

7 Because plaintiff no longer brings any federal causes of
8 action and because some defendants and plaintiff admit that this
9 court lacks subject matter jurisdiction, it appears that this case
10 no longer presents a federal question. If that is the case, the
11 court will decline to exercise supplemental jurisdiction over the
12 remaining state law claims. 28 U.S.C. § 1367(c)(3). The Bank of
13 America defendants are therefore ORDERED TO SHOW CAUSE within seven
14 days of the date of this order why this case should not be
15 dismissed for lack of subject matter jurisdiction.

16 Additionally, the court does not find oral argument necessary
17 as to the motion to dismiss or the question of subject matter
18 jurisdiction. The hearing currently set for May 24, 2010 at 10:00
19 a.m. is therefore VACATED.

20 IT IS SO ORDERED.

21 DATED: May 11, 2010.

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23 
24 LAWRENCE K. KARLTON
25 SENIOR JUDGE
26 UNITED STATES DISTRICT COURT