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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CRAIG OHLENDORF,

NO. CIV. S-09-2081 LKK/EFB

Plaintiff,

v.

AMERICAN HOME MORTGAGE
SERVICING, et al.,

O R D E R

Defendants.

_____ /

On October 16, 2009, plaintiff filed an amended complaint, which stated claims for violation of the Truth in Lending Act, 15 U.S.C. § 1601 et seq., ("TILA") the Real Estate Settlement Procedures Act, 12 U.S.C. §§ 2601-2617, ("RESPA") and various state laws. On March 31, 2010, the court issued an order on two motions to dismiss. The court dismissed several of plaintiffs' claims without prejudice, and with leave to amend. On April 28, 2010, plaintiff filed a second amended complaint. In this complaint, plaintiff did not plead any violations of federal law.

On May 5, 2010, defendant T.D. Service Company filed a motion

1 to dismiss the second amended complaint. T.D. Service Company
2 requested that this court retain supplemental jurisdiction over
3 plaintiff's state law claims because it considers plaintiff's
4 actions of "including federal statutory claims to get into federal
5 court, [and] then dropping them after adverse rulings" to be
6 improper gamesmanship and because litigation of these claims in
7 state court will cause unnecessary delay. Defendant T.D. Service
8 Company's Motion to Dismiss at 7-8, Dkt. No. 45.

9 On May 17, 2010, defendants American Home Mortgage Servicing,
10 Inc., AHMSI Default Services, Inc., Deutsche Bank National Trust
11 Company, and Mortgage Electronic Registration Systems, Inc. ("AHMSI
12 Defendants") filed a motion to dismiss. This motion did not address
13 whether the court has subject matter jurisdiction over plaintiff's
14 complaint. These defendants also did not address defendant T.D.
15 Service Company's request that the court retain supplemental
16 jurisdiction over plaintiff's state law claims.

17 Accordingly, it appears that this case no longer presents a
18 federal question. If that is the case, the court will decline to
19 exercise supplemental jurisdiction over the remaining state law
20 claims. 28 U.S.C. § 1367(c)(3). The AHMSI defendants are therefore
21 ORDERED TO SHOW CAUSE within seven days of the issuance of this
22 order why this case should not be dismissed for lack of subject
23 matter jurisdiction.

24 IT IS SO ORDERED.

25 DATED: June 22, 2010.

26


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT