UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RONALD MCDOWELL and JOAN MCDOWELL,

Plaintiffs,

v.

LITTON LOAN SERVICING; UNITED HOME MORTGAGE; QUALITY LOAN SERVICE CORP.; ASAD ZAFARI; and CARLOS LOPEZ,

Defendants.

No. 2:09-cv-02229-MCE-DAD

MEMORANDUM AND ORDER

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Presently before the Court is a Motion by Defendant Litton Loan Servicing, LP ("Defendant") to Dismiss the Second Amended Complaint of Plaintiffs Ronald McDowell and Joan McDowell ("Plaintiffs") for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).[1]

[1] Because oral argument will not be of material assistance, the Court orders this matter submitted on the briefs. E.D. Cal. Local Rule 230(g).

Plaintiffs' Second Amended Complaint alleges only state law causes of action. Plaintiffs have filed a Statement of Non-Opposition in which they do not oppose dismissal of their Second Amended Complaint for lack of subject matter jurisdiction. They have also filed a Motion to Dismiss for Lack of Jurisdiction, scheduled for hearing on June 24, 2010.

Plaintiffs are cautioned against filing complaints in this Court and then dismissing the federal claims as soon as a Motion to Dismiss is filed.

However, with only Plaintiffs' state law claims remaining, this Court ceases to have subject matter jurisdiction over the suit. The Court declines to exercise its supplemental jurisdiction over the remaining state causes of action and they are dismissed without prejudice. The Court need not address the merits of Defendant's Motion to Dismiss (Docket No. 27) as those issues are now moot. Plaintiffs' own Motion to Dismiss (Docket No. 30) is also moot and the hearing is hereby vacated.

For the reasons stated above, the case is dismissed. The Clerk is directed to close the file.

IT IS SO ORDERED.

Dated: June 4, 2010

MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE