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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUPE MIRANDA and ANGEL
MIRANDA,

Plaintiffs,

v.

No. 2:09-cv-02364-MCE-EFB

MEMORANDUM AND ORDER

BANK OF AMERICA FKA
COUNTRYWIDE HOME LOANS;
GREENPOINT MORTGAGE FUNDING,
INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
ESTATE HOME LOANS, INC.; AHMED
HERNANDEZ-CERVANTES, MARC
ARIAS-MORALES; and DOES 1-20
inclusive,

Defendants.

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Presently before the Court is a Motion by Defendant
Greenpoint Mortgage Funding ("Defendant") to Dismiss the claims
alleged against it in the First Amended Complaint of Plaintiffs
Lupe Miranda and Angel Miranda ("Plaintiffs") for failure to
state a claim upon which relief may be granted pursuant to
Federal Rule of Civil Procedure 12(b)(6).

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1 Pursuant to Local Rule 230(c), opposition to a motion must
2 be filed not less than fourteen (14) days prior to the date of
3 the hearing. The date of the hearing on motion was set for
4 February 12, 2010. Fourteen (14) days prior to the hearing was
5 January 29, 2010. No opposition was filed by January 29, 2010.

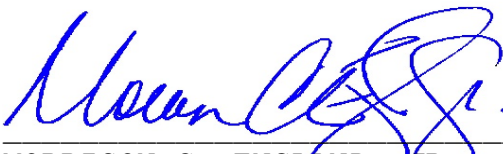
6 On February 8, 2010, Plaintiffs filed a general opposition
7 to the Motion to Dismiss (Docket No. 31) as well as a specific
8 Statement of Non-Opposition (Docket No. 30) to the Motion as it
9 related to Counts 1 and 4. Although the opposition is untimely,
10 the Court accepts the non-opposition to the dismissal of Counts 1
11 (Truth in Lending Act) and 4 (Real Estate Settlement Procedures
12 Act) and said counts are dismissed with prejudice.

13 In light of the dismissal of Counts 1 and 4 which are the
14 only causes of action which provided this Court with subject
15 matter jurisdiction, the Court declines to exercise its
16 supplemental jurisdiction on the remaining state causes of action
17 and they are dismissed without prejudice. The Court need not
18 address the untimeliness and/or the merits of the Motion to
19 Dismiss or the Plaintiffs' opposition as that issue is now moot.

20 For the reasons stated above, the case is DISMISSED. The
21 Clerk is directed to close the file.

22 IT IS SO ORDERED.

23 Dated: February 16, 2010

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26 MORRISON C. ENGLAND, JR.
27 UNITED STATES DISTRICT JUDGE
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