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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT L. COX,

No. 2:09-cv-02677-MCE-EFB

12 Plaintiff,

13 v.

MEMORANDUM AND ORDER

14 AURORA LOAN SERVICES; MORTGAGE
15 BANKERS, INC.; QUALITY LOAN
16 SERVICE CORPORATION; MORTGAGE
17 ELECTRONIC REGISTRATION SYSTEMS,
18 INC.; LENDING CAPITAL, INC. DBA
19 LENDING CAPITAL HOME LOANS;
20 PATRICK TOBIN MORAN; JIM A.
21 TOUSIF; PETER DOAN and DOES 1-
22 20, inclusive,

23 Defendants.

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25 This action arises out of a mortgage loan transaction in
26 which Plaintiff Robert L. Cox ("Plaintiff") refinanced his home
27 in June 2007. Presently before the Court is a Motion by
28 Defendants Aurora Loan Services and Mortgage Electronic
Registration Systems, Inc. ("Defendants") to Dismiss the claims
alleged against them in Plaintiff's Second Amended Complaint for
failure to state a claim upon which relief may be granted
pursuant to Federal Rule of Civil Procedure 12(b)(6).

1 Plaintiff's Second Amended Complaint alleges only state law
2 causes of action. In Plaintiff's Opposition to the Motion to
3 Dismiss, Plaintiff acknowledges the lack of a federal claim and
4 requests that the Court dismiss the action without prejudice.

5 With only Plaintiff's state law claims remaining, this Court
6 ceases to have subject matter jurisdiction over the suit. The
7 Court declines to exercise its supplemental jurisdiction over the
8 remaining state causes of action and they are dismissed without
9 prejudice. The Court need not address the merits of Defendants'
10 Motion to Dismiss (Docket No. 28) as those issues are now moot.¹

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

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

16 IT IS SO ORDERED.

17 Dated: April 27, 2010

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20 MORRISON C. ENGLAND, JR.
21 UNITED STATES DISTRICT JUDGE
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27 ¹ Because oral argument will not be of material assistance,
28 the Court deemed this matter suitable for decision without oral
argument. E.D. Cal. Local Rule 230(g).