

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT L. COX, No. 2:09-cv-02677-MCE-EFB  
Plaintiff

**MEMORANDUM AND ORDER**

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

## Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiff Robert L. Cox ("Plaintiff") refinanced his home in June 2007. Presently before the Court is a Motion by 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.<sup>1</sup>

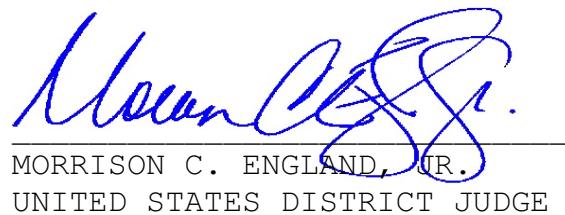
11 Plaintiffs are cautioned against filing complaints in this  
12 Court and then dismissing the federal claims as soon as a Motion  
13 to Dismiss is filed.

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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MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Because oral argument will not be of material assistance, the Court deemed this matter suitable for decision without oral argument. E.D. Cal. Local Rule 230(g).