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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TARISCO GOMEZ and FLORINDA  
GOMEZ,

No. 2:09-cv-02762-MCE-JFM

Plaintiffs,

v.

MEMORANDUM AND ORDER

WACHOVIA MORTGAGE FSB, et al.,  
Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiffs Tarisco Gomez and Florinda Gomez ("Plaintiffs") refinanced their home in September 2005. Presently before the Court is a Motion by Defendant Wachovia Mortgage, FSB ("Defendant") to Dismiss the claims alleged against it in Plaintiffs' First Amended Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). Concurrently, Defendant moved to dismiss the First Amended Complaint under Federal Rule of Civil Procedure 8 and 9(b).

1 Defendant also filed a motion to strike pursuant to Rule 12(f).  
2 Plaintiffs bring a Motion to Amend the First Amended Complaint.<sup>1</sup>

3 In Plaintiffs' First Amended Complaint, Plaintiffs allege  
4 violations of both federal and state laws, including the Truth in  
5 Lending Act, 15 U.S.C. § 1601 et seq. ("TILA") and the Real  
6 Estate Settlement Procedures Act, 12 U.S.C. § 2605 et seq.  
7 ("RESPA"). However, Plaintiffs have filed a Statement of Non-  
8 Opposition in which they do not oppose dismissal of their federal  
9 claims alleging violations of TILA and RESPA. Additionally,  
10 Plaintiffs filed a Motion to Amend their First Amended Complaint  
11 pursuant to Federal Rule of Civil Procedure 15(a) so as to remove  
12 both the TILA and RESPA Causes of Action. This Court need not  
13 address the merits of Plaintiffs' Motion to Amend because  
14 Plaintiffs' have already filed a Statement of Non-Opposition.  
15 Thus, Plaintiffs' Motion to Amend (Docket No. 29) is moot.

16 With only Plaintiffs' state law claims remaining, this Court  
17 ceases to have subject matter jurisdiction over the suit. The  
18 Court declines to exercise its supplemental jurisdiction over the  
19 remaining state causes of action and they are dismissed without  
20 prejudice. The Court need not address the merits of Defendant's  
21 Motion to Dismiss (Docket No. 24) as those issues are now moot.  
22 Additionally, the Motion to Strike (Docket No. 18) is moot.

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

1 For the reasons stated above, the case is dismissed for lack  
2 of subject matter jurisdiction. The Clerk is directed to close  
3 the file.

4 IT IS SO ORDERED.

5 Dated: May 26, 2010  
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10 MORRISON C. ENGLAND, JR.  
11 UNITED STATES DISTRICT JUDGE  
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