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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIA DE JESUS MIRANDA and
ONFRE MURILLO,

No. 2:09-cv-02786-MCE-KJN

Plaintiffs,

v.

MEMORANDUM AND ORDER

AMERICA'S SERVICING COMPANY,
et. al.,

Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiffs Maria De Jesus Miranda and Onfre Murillo ("Plaintiffs") obtained a home loan in January 2006. Presently before the Court are Motions by Defendant American Home Mortgage Servicing, Inc., and Defendants Mortgage Electronic Registration System, Inc., Wells Fargo Bank, N.A. d/b/a America's Servicing Company, and HSBC Bank USA (collectively "Defendants") to Dismiss the claims alleged against them 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).

1 Defendant American Home Mortgage Servicing, Inc. also moves for a
2 more definite statement pursuant to Federal Rules of Civil
3 Procedure 12(b)(e).¹

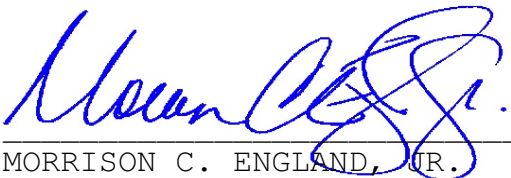
4 Plaintiffs' initial Complaint alleged violations of both
5 federal and state laws, including the Real Estate Settlement
6 Procedures Act, 12 U.S.C. § 2605 et seq. ("RESPA"). However,
7 Plaintiffs subsequently filed a First Amended Complaint in which
8 they abandon their federal claim.

9 With only Plaintiffs' state law claims remaining, this Court
10 ceases to have subject matter jurisdiction over the suit. The
11 Court declines to exercise its supplemental jurisdiction over the
12 remaining state causes of action and they are dismissed without
13 prejudice. The Court need not address the merits of Defendants'
14 Motions to Dismiss (Docket Nos. 15 and 16) as those issues are now
15 moot. Defendant American Home Mortgage Servicing, Inc.'s motion
16 for a more definite statement (Docket No. 15) is also moot.

17 For the reasons stated above, the case is REMANDED to
18 Superior Court of California, County of Sacramento. The Clerk is
19 directed to close the file.

20 IT IS SO ORDERED.

21 Dated: March 25, 2010

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23 
24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE
26

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).