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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JORGE ROMERO and  
LUCIA OROZCO,

No. 2:09-cv-02889-MCE-DAD

Plaintiffs,

v.

MEMORANDUM AND ORDER

INDYMAC FEDERAL BANK;  
CITIMORTGAGE; SECURITY  
MORTGAGE FUNDING CORP.;  
QUALITY LOAN SERVICE CORP.;  
ONEWEST BANK, FSB; MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.; HUONG LO; and  
DOES 1-20 INCLUSIVE,

Defendants.

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Through the present action, Plaintiffs Jorge Romero and Lucia Orozco ("Plaintiffs") seek monetary and injunctive relief from Defendants CitiMortgage, Inc. and Mortgage Electronic Registration Systems, Inc. in its capacity as nominee/beneficiary of Plaintiffs' CitiMortgage-administered Deed of Trust (collectively "Defendants") for a litany of state and federal claims arising out of Plaintiffs' financing of their home in 2006.

1 Presently before the Court is a Motion by Defendants to  
2 Dismiss the claims alleged against them in Plaintiffs' First  
3 Amended Complaint for failure to state a claim upon which relief  
4 may be granted pursuant to Federal Rule of Civil Procedure  
5 12(b)(6). Additionally, Defendants move to strike portions of  
6 Plaintiffs' Amended Complaint pursuant to Federal Rule of Civil  
7 Procedure 12(f).<sup>1</sup>

8 As alleged against Defendants, Plaintiffs' only federal  
9 cause of action is for violation of the Real Estate Settlement  
10 Procedures Act ("RESPA"), 12 U.S.C. § 2605. However, Plaintiffs'  
11 Opposition to Defendants' Motion to Dismiss specifically concedes  
12 this point and respectfully requests that the RESPA claim be  
13 dismissed.

14 Plaintiffs are cautioned against filing a complaint in this  
15 Court and then dismissing the federal claims as soon as a Motion  
16 to Dismiss is filed. Nonetheless, with only state law claims  
17 remaining, this Court ceases to have subject matter jurisdiction  
18 over the Plaintiffs' suit as alleged against Defendants. The  
19 Court declines to exercise its supplemental jurisdiction over the  
20 remaining state causes of action and they are dismissed without  
21 prejudice.

22 The Court need not address the merits of Defendants' Motion  
23 to Dismiss (Docket No. 21) as those issues are now moot.  
24 Similarly, Defendants' Motion to Strike (Docket No. 23) is DENIED  
25 as moot.

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27 <sup>1</sup> Because oral argument will not be of material assistance,  
28 the Court orders this matter submitted on the briefs. E.D. Cal.  
Local Rule 230(g).

1 For the reasons stated above, the Court dismisses Defendants  
2 CitiMortgage, Inc. and Mortgage Electronic Registration Systems,  
3 Inc. in its capacity as nominee/beneficiary of Plaintiffs'  
4 CitiMortgage-administered Deed of Trust. The suit brought against  
5 Defendants is REMANDED to Superior Court of California, County of  
6 Sacramento. The Clerk is directed to terminate the Defendants.

7 IT IS SO ORDERED.

8 Dated: March 26, 2010

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11 MORRISON C. ENGLAND, JR.  
12 UNITED STATES DISTRICT JUDGE  
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