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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 OneWest Bank, FSB and Mortgage Electronic Registration Systems, Inc. in its capacity as nominee/beneficiary of Plaintiffs' One West-administered Deed of Trust (collectively "Defendants") for a litany of state and federal claims arising out of the financing of Plaintiffs' 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).<sup>1</sup>

6 On October 15, 2009, non-moving defendants in this action  
7 removed this suit from Superior Court of California, County of  
8 Sacramento to federal court for the Eastern District of  
9 California on the grounds of federal question jurisdiction. Both  
10 Plaintiffs' original Complaint, as well as their subsequent  
11 Amended Complaint, allege violations of the Truth in Lending Act  
12 ("TILA") and the Real Estate Settlement Procedures Act ("RESPA").

13 However, neither of Plaintiffs' federal law claims are  
14 alleged against Defendants. Plaintiffs' suit, inasmuch as it  
15 pertains specifically to the presently moving Defendants,  
16 consists entirely of state law causes of action. Accordingly,  
17 this Court ceases to have subject matter jurisdiction over  
18 Plaintiffs' claims against Defendants, and the Court declines to  
19 exercise its supplemental jurisdiction over the Plaintiffs' state  
20 law claims.

21 The Court need not address the merits of Defendant's Motion  
22 to Dismiss (Docket No. 29) as those issues are now 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 OneWest Bank, FSB and Mortgage Electronic Registration Systems,  
3 Inc. in its capacity as nominee/beneficiary of Plaintiffs' One  
4 West-administered Deed of Trust. The suit brought against these  
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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