

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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This action arises out of a mortgage loan transaction in which Plaintiffs Jorge Romero and Lucia Orozco ("Plaintiffs") financed their home in 2006. Presently before the Court is a Motion by Plaintiffs seeking leave to file an Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a).

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1 Plaintiffs state that they are unable to allege appropriate
2 facts to support their causes of action under the Truth in
3 Lending Act, 15 U.S.C. § 1601 et seq. ("TILA") and the Real
4 Estate Settlement Procedures Act, 12 U.S.C. § 2605 et seq.
5 ("RESPA"). They therefore seek leave to amend so as to remove
6 their TILA and RESPA claims from the complaint.

7 With only Plaintiffs' state law claims remaining, this Court
8 ceases to have subject matter jurisdiction over the suit. The
9 Court declines to exercise its supplemental jurisdiction over the
10 remaining state causes of action and they are dismissed without
11 prejudice. The Court need not address the merits of Plaintiffs'
12 Motion to Amend (Docket No. 61) as those issues are now moot.

13 For the reasons stated above, this case is hereby dismissed
14 without prejudice for lack of subject matter jurisdiction.¹ The
15 matter is REMANDED to Superior Court of California, County of
16 Sacramento. The Clerk is directed to close the file.

17 IT IS SO ORDERED.

18 Dated: June 9, 2010

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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