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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ARIANA I. INGUEZ and JUAN M.
12 BARBA

13 Plaintiffs,

No. 2:09-cv-02903-MCE-EFB

14 v.

MEMORANDUM AND ORDER

15 BANK OF AMERICA, et. al.,

16 Defendants.
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19 This action arises out of a mortgage loan transaction in
20 which Plaintiffs Ariana I. Inguez and Juan M. Barba
21 ("Plaintiffs") obtained a home loan in January 2007. Presently
22 before the Court are Motions by Defendants Ryland Mortgage
23 Company, Eugene Elder, Countrywide Home Loans, Inc. (erroneously
24 sued as Bank of America f/k/a Countrywide Home Loans) and its
25 successor BAC Home Loans Servicing, L.P., ReconTrust Company, and
26 Mortgage Electronic Registration Systems, Inc. to Dismiss the
27 claims alleged against them in Plaintiffs' Complaint for failure
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1 to state a claim upon which relief may be granted pursuant to
2 Federal Rule of Civil Procedure 12(b)(6).
3 Defendants Countrywide Home Loans, Inc., ReconTrust Company, and
4 Mortgage Electronic Registration Systems, Inc. also move this
5 Court to strike portions of Plaintiffs' Complaint pursuant to
6 Federal Rule of Civil Procedure Rule 12(f). Plaintiffs have
7 failed to timely file an opposition.¹

8 Pursuant to Local Rule 230(c), opposition to a motion must
9 be filed not less than fourteen (14) days prior to the date of
10 the hearing. The date of the hearing on motion was set for
11 February 25, 2010. Fourteen (14) days prior to the hearing was
12 February 11, 2010. No opposition was filed as required.

13 As a result of Plaintiff's counsel Sharon Lapin's repeated
14 failure to comply with Local Rules, within ten (10) days from the
15 date this order is electronically filed, Lapin shall either
16 (1) personally pay sanctions in the amount of \$250.00 to the
17 Clerk of the Court or (2) show good cause for the failure to
18 comply with Local Rule 230(c).

19 This Court is in receipt of Plaintiffs' late-filed First
20 Amended Complaint. While Plaintiffs' original Complaint alleged
21 violations of both federal and state laws, Plaintiffs' Amended
22 Complaint abandons their federal claims.

23 With only Plaintiffs' state law claims remaining, this Court
24 ceases to have subject matter jurisdiction over the suit. The
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27 ¹ 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 Court declines to exercise its supplemental jurisdiction over the
2 remaining state causes of action and they are dismissed without
3 prejudice.

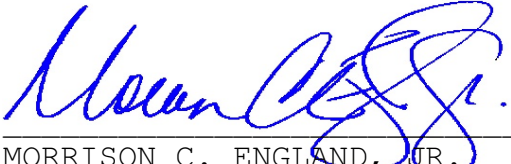
4 The Court need not address the merits of Defendants' Motions to
5 Dismiss (Docket Nos. 9 and 12) as those issues are now moot.

6 For the reasons stated above, the case is dismissed.

7 The Clerk is directed to close the file.

8 IT IS SO ORDERED.

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10 Dated: February 26, 2010

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13 MORRISON C. ENGLAND, JR.
14 UNITED STATES DISTRICT JUDGE
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