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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NOLASCO CONSTANTINO CRUZ,
Plaintiff,

No. 2:09-cv-03212-MCE-KJM

v.

MEMORANDUM AND ORDER

AURORA LOAN SERVICES; GMAC
MORTGAGE; OLYMPIA FUNDING,
INC.; QUALITY LOAN SERVICE
CORPORATION; HILLTOP FINANCIAL
MORTGAGE, INC.; IBRAHIM K.
KABA; SUNMEET NARINDER ANAND;
and THANH NGOC NGUYEN,

Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiff Nolasco Constantino Cruz ("Plaintiff") refinanced his home. Presently before the Court are Motions by Defendants Aurora Loan Services and GMAC Mortgage, LLC ("Defendants") to Dismiss the claims alleged against them in Plaintiff's 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 Plaintiff's First Amended Complaint alleges only state law
2 causes of action. Plaintiff has filed a Statement of Non-
3 Opposition in which he does not oppose dismissal of his First
4 Amended Complaint for lack of subject matter jurisdiction. He
5 has also filed a Motion to Dismiss for Lack of Jurisdiction
6 scheduled for hearing on June 24, 2010.

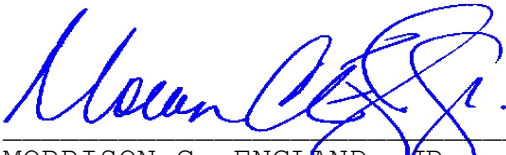
7 Plaintiff is cautioned against filing complaints in this
8 Court and then dismissing the federal claims as soon as a Motion
9 to Dismiss is filed.

10 However, with only Plaintiff's state law claims remaining,
11 this Court ceases to have subject matter jurisdiction over the
12 suit. The Court declines to exercise its supplemental
13 jurisdiction over the remaining state causes of action and they
14 are dismissed without prejudice. The Court need not address the
15 merits of Defendants' Motions to Dismiss (Docket Nos. 34 and 38)
16 as those issues are now moot.¹ Plaintiff's own Motion to Dismiss
17 (Docket No. 39) is also moot and the hearing is hereby vacated.

18 For the reasons stated above, the case is dismissed.
19 The Clerk is directed to close the file.

20 IT IS SO ORDERED.

21 Dated: June 8, 2010

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