

1 (Docket No. 1.) Plaintiffs asserted that the basis of this
2 court's jurisdiction over the action was federal question
3 jurisdiction, predicated on their claims for violations of the
4 Truth In Lending Act ("TILA"), 15 U.S.C. §§ 1601-1667f, and the
5 Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. §§
6 2601-2617. (Id.)

7 Defendants Fremont and Litton each filed a motion to
8 dismiss the Complaint on March 29, 2010, and April 14, 2010,
9 respectively. (Docket Nos. 12, 17.) In response, plaintiffs
10 filed statements of non-opposition to dismissal of their RESPA
11 and TILA claims and further request the court to dismiss the
12 Complaint in its entirety, since the court lacks subject matter
13 jurisdiction without the federal claims. (Docket Nos. 23, 24.)
14 Because defendants' motions are unopposed and plaintiffs request
15 dismissal their TILA and RESPA claims, the court will accordingly
16 grant defendants' motions to dismiss these claims for the reasons
17 stated therein.

18 Under 28 U.S.C. § 1367(c)(3), a district court may
19 decline to exercise supplemental jurisdiction over a state law
20 claim if "the district court has dismissed all claims over which
21 it has original jurisdiction" 28 U.S.C. § 1367(c)(3);
22 see also Acri v. Varian Assocs., Inc., 114 F.3d 999, 1000 (9th
23 Cir. 1997) ("[A] federal district court with power to hear state
24 law claims has discretion to keep, or decline to keep, them under
25 the conditions set out in § 1367(c)."). Factors for a court to
26 consider in deciding whether to dismiss supplemental state claims
27 include judicial economy, convenience, fairness, and comity.
28 Imagineering, Inc. v. Kiewit Pac. Co., 976 F.2d 1303, 1309 (9th

1 Cir. 1992). "[I]n the usual case in which federal law claims are
2 eliminated before trial, the balance of factors . . . will point
3 toward declining to exercise jurisdiction over the remaining
4 state law claims." Reynolds v. County of San Diego, 84 F.3d
5 1162, 1171 (9th Cir. 1996) overruled on other grounds by Acri,
6 114 F.3d at 1000.

7 Since plaintiffs have abandoned their federal claims,
8 and none of the parties oppose dismissal of this action and have
9 not posed any extraordinary or unusual circumstances that would
10 counsel against dismissal, the court will decline to exercise
11 supplemental jurisdiction under § 1367(c)(3) as to the
12 Complaint's remaining state law claims.

13 IT IS THEREFORE ORDERED that Fremont and Litton's
14 motions to dismiss the Complaint be, and the same hereby are,
15 GRANTED without prejudice.

16 AND IT IS FURTHER ORDERED that the Complaint be, and
17 the same hereby is, DISMISSED without prejudice.¹

18 DATED: May 25, 2010

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21 WILLIAM B. SHUBB
22 UNITED STATES DISTRICT JUDGE
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28 ¹ Plaintiffs' pending motion for leave to amend the
Complaint is therefore necessarily DENIED AS MOOT.