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8	UNITED STATES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA
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13	WILLIAM SMITH and RUTH SMITH, NO. CIV. 2:09-3472 WBS JFM
14	Plaintiffs, ORDER RE: MOTIONS TO DISMISS
15	V.
16	LITTON LOAN SERVICING; OCWEN LOAN SERVICING; FREMONT
17	INVESTMENTS AND LOANS; QUALITY LOAN SERVICE CORP.; ATLAS
18	FINANCIAL SERVICES; ALAN ATLAS; and SHOHAIB S. ZOHDI,
19	Defendants.
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22	00000
23	Plaintiffs William and Ruth Smith filed this action
24	against defendants Litton Loan Servicing ("Litton"), Ocwen Loan
25	Servicing, Fremont Investment and Loans ("Fremont"), Quality Loan
26	Service Corp., Atlas Financial Services, Alan Atlas, and Sohaib
27	S. Zohdi, alleging various state and federal claims relating to a
28	loan they obtained to purchase their home in Lincoln, California.

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

Under 28 U.S.C. § 1367(c)(3), a district court may 18 19 decline to exercise supplemental jurisdiction over a state law claim if "the district court has dismissed all claims over which 20 it has original jurisdiction . . . " 28 U.S.C. § 1367(c)(3); 21 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

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

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

AND IT IS FURTHER ORDERED that the Complaint be, and the same hereby is, DISMISSED without prejudice.<sup>1</sup> BATED: May 25, 2010

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WILLIAM B. SHUBB UNITED STATES DISTRICT JUDGE

<sup>1</sup> Plaintiffs' pending motion for leave to amend the 28 Complaint is therefore necessarily DENIED AS MOOT.