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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CONG M. TRAN and
PHUONG HUYNH,

NO. CIV. S-10-0078 LKK/EFB

Plaintiffs,

v.

O R D E R

INDYMAC FEDERAL BANK;
MORTGAGEIT, INC.; NDEX WEST,
LLC; MORTGAGE ELECTRONIC
SYSTEMS, INC.; GLOBAL EQUITY
LENDING; JANYCE PHAM, and
Does 1-20, inclusive,

Defendants.

_____ /

Plaintiffs in this case bring numerous claims arising out of their home loan and mortgage. Plaintiffs' operative complaint alleges no federal causes of action. On March 10, 2010, the court ordered the parties to show cause as to why the court retained subject matter jurisdiction over this suit. The Federal Deposit Insurance Corporation ("FDIC"), as receiver for defendant Indymac Federal Bank, FSB, filed a response stating that because of the

1 FDIC's participation in the case, federal subject matter
2 jurisdiction was proper under 12 U.S.C. § 1819(b)(2)(A). The court
3 agreed, and substituted the FDIC in place of Indymac Federal Bank.
4 See Order filed March 30, 2010 (Dkt. No. 25).

5 Plaintiffs have since voluntarily dismissed their claims
6 against the FDIC. Accordingly, it again appears that there is no
7 basis for federal question jurisdiction and that the court should
8 decline to exercise supplemental jurisdiction. The court again
9 grants defendants an opportunity to file briefs explaining why
10 subject matter jurisdiction over the amended complaint is proper
11 in this court. Said briefs may not exceed ten (10) pages, and must
12 be filed, if at all, within fourteen (14) days of the date of this
13 order. If no such brief is filed, the court will dismiss this suit
14 without prejudice for lack of subject matter jurisdiction. Fed.
15 R. Civ. P. 41(b).

16 IT IS SO ORDERED.

17 DATED: July 13, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT