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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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9 VICTORIA MORFIDIS aka
VICTORIA FLORENTINO,

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Plaintiff,

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CIV. NO. S-10-1797 LKK/GGH

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v.

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INDYMAC BANK, an unknown
entity; MTC FINANCIAL, INC.,
dba TRUSTEE CORPS, an unknown
entity; BLUE MOUNTAIN MORTGAGE,
LLC, an unknown entity; JIM
BARCEWSKI; LENDING SERVICES,
LLC, an unknown entity; SUISUN
VALLEY PARTNERS, LLC, an
unknown entity; KEVIN BROWNING;
MICHAEL FLORENTINO; and
DOES 1 through 10, inclusive,

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Defendants.

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Plaintiff originally filed this action on March 18, 2010 in

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Solano County Superior Court, seeking quiet title and declaratory

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relief against multiple defendants. One of the defendants, IndyMac

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Bank, Inc., was closed by the Office of Thrift Supervision in July

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2008, and the Federal Deposit Insurance Company ("FDIC") was

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appointed as its receiver. As receiver for IndyMac Bank, the FDIC

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succeeded to all rights, titles, powers and privileges of IndyMac

O R D E R

1 Bank. FDIC removed the case to federal court pursuant to 12 U.S.C.
2 § 1819(b)(2)(A), which provides "all suits of a civil nature at
3 common law or in equity to which the [Federal Deposit Insurance]
4 Corporation, in any capacity, is a party shall be deemed to arise
5 under the laws of the United States." FDIC filed a notice of
6 removal to this court on July 9, 2010. ECF No. 1. No party has
7 asserted any other basis for federal court jurisdiction over this
8 case. One month later FDIC, as receiver for IndyMac Bank filed a
9 motion to dismiss the claims against IndyMac Bank. Plaintiff filed
10 a statement of non-opposition to the motion to dismiss, and on
11 October 5, 2010 this court granted the motion by dismissing all
12 claims against FDIC as Receiver for defendant IndyMac.


13 Under 28 U.S.C. § 1447(c), district courts shall remand a
14 removed case "[i]f at any time before final judgment it appears
15 that the district court lacks subject matter jurisdiction." Here,
16 the court's subject matter jurisdiction was based solely on 12
17 U.S.C. § 1819(b)(2)(A). That basis of jurisdiction no longer exists
18 following the dismissal of FDIC as a party. No federal question
19 exists on the face of the complaint, and the parties are not
20 diverse under 28 U.S.C. § 1332.

21 Accordingly, the parties are ORDERED to show cause in writing
22 within seven (7) days of the issuance of this order why this case
23 should not be remanded to state court.

24 IT IS SO ORDERED.

25 DATED: October 26, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT