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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EMMANUEL L. ZAFRA, TERESITA G. ZAFRA,	)	
	)	2:10-cv-3335-GEB-JFM
	)	
Plaintiffs,	)	
	)	<u>ORDER</u>
v.	)	
	)	
AURORA LOAN SERVICES LLC, QUALITY LOAN SERVICE CORP,	)	
	)	
Defendants.	)	

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On December 14, 2010, Plaintiffs proceeding without counsel filed a complaint in this court. Plaintiffs concurrently filed an application for a temporary restraining order ("TRO") to prevent Defendants from evicting Plaintiffs from the property located at 1147 Legend Circle, Vallejo, California. However, Plaintiffs have not shown that the federal court has subject matter jurisdiction to consider their claims.

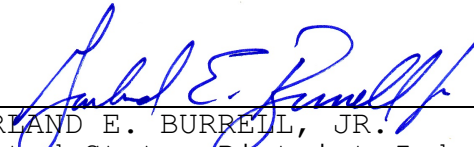
"It is a fundamental principle that federal courts are courts of limited jurisdiction." Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 374 (1978). "A federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears." Stock West, Inc. v. Confederated Tribes, 873 F.2d 1221, 1225 (9th Cir. 1989). "[T]he presence or absence of federal-question jurisdiction is governed by the 'well-pleaded complaint rule,' which provides that federal jurisdiction

1 exists only when a federal question is presented on the face of the  
2 plaintiff's properly pleaded complaint." Republican Party of Guam v.  
3 Gutierrez, 277 F.3d 1086, 1089 (9th Cir. 2002).

4 Although Plaintiffs' include in the title of their complaint  
5 "Violation of Regulation Z of the Truth in Lending Act["TILA"], pursuant  
6 to Title [1]5 U.S.C. section 1635(a) and Title 12 CFR 226.23 (d)(I),"  
7 the complaint is devoid of allegations showing that federal court  
8 subject matter jurisdiction exists. Nor have Plaintiffs identified what  
9 relief they seek under TILA. In addition, Plaintiff's prayer for relief  
10 requests the federal court to "honor the terms and conditions of the  
11 settlement agreement between the parties[,]" but does not explain this  
12 request or how it relates to TILA.

13 Therefore, Plaintiff's application for a TRO is DENIED and  
14 Plaintiffs' complaint is dismissed since the federal court lacks subject  
15 matter jurisdiction over Plaintiffs' claims. Since Plaintiffs are  
16 proceeding without counsel, Plaintiffs have thirty (30) days from the  
17 date on which this order is filed to file an amended complaint in this  
18 court, should Plaintiffs decide to proceed in federal court rather than  
19 in state court.

20 Dated: December 15, 2010

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23 \_\_\_\_\_  
GARLAND E. BURRELL, JR.  
United States District Judge