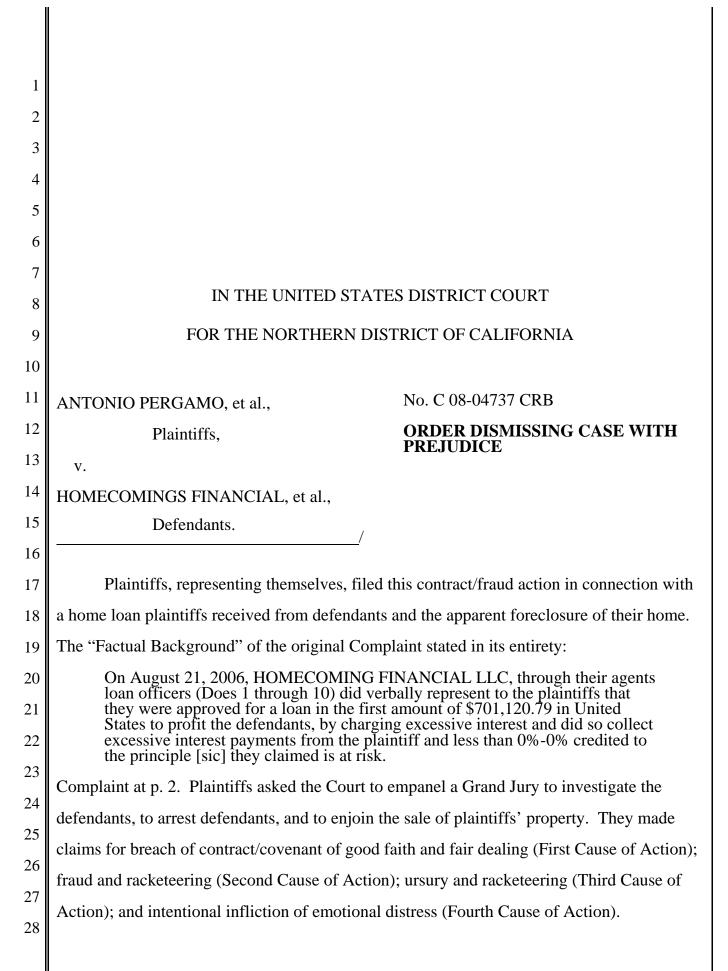
the Northern District of California

For

**United States District Court** 



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The Court also noted that while the jurisdiction section of the Complaint recited that 2 the action arises under various federal statutes, the Complaint in fact made only state law 3 claims (breach of contract, emotional distress, fraud); thus, this Court did not have federal question jurisdiction of the complaint. See 28 U.S.C. § 1331. The Court also explained that 4 5 it did not have diversity jurisdiction as the Complaint recited that at least one of the 6 defendants is a citizen of California, as are plaintiffs. Complaint at p. 2; 28 U.S.C. § 1332.

Accordingly, the Court dismissed plaintiffs' Complaint with leave to amend. In particular, the Court ordered plaintiffs to file an amended complaint of which this Court has jurisdiction and which clearly sets forth the facts giving rise to plaintiffs' claims. The Court also suggested that plaintiffs seek assistance from the Legal Help Center, located at the federal courthouse, 450 Golden Gate Avenue, San Francisco, on the 15<sup>th</sup> Floor, room 2796.

12 Now pending before the Court is plaintiffs' First Amended Complaint. It is nearly 13 identical to the original complaint and the Court still lacks federal question or diversity 14 jurisdiction. It still includes only state law causes of action and plaintiffs are still not diverse from all of the defendants. In addition, it does not state a basis for relief as the only 15 16 additional factual allegation in the Amended Complaint is that plaintiffs' had a second loan 17 in the amount of \$170,000 in addition to the first loan.

18 Accordingly, as plaintiffs' amendment failed to cure the defects in the Complaint, and 19 further leave to amend would be futile, this action is DISMISSED WITH PREJUDICE.

## **IT IS SO ORDERED.**

Dated: May 01, 2009

R. BREYER UNITED STATES DISTRICT JUDGE