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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SILVERIO M. BARANDA III, et al.,

No. C 09-01641 MHP

Plaintiffs,

MEMORANDUM & ORDER

v.

Re: Complaint and Request for Temporary Restraining Order

CARRINGTON MORTGAGE SERVICE,
LLC, et al.,

Defendants.

Plaintiffs, filing pro se, filed a complaint and requested a temporary restraining order on April 14, 2009. The complaint pertains to the impending foreclosure upon plaintiff's house in Daly City, California, for failure to pay his mortgage payments. Although plaintiff has alleged jurisdiction under several federal statutes as well as diversity, he alleges no facts that would give rise to claims under those statutes or any basis for diversity jurisdiction. Nor does this court have the authority to grant the relief plaintiff seeks, namely initiating an investigation, arresting defendants or, more immediately, enjoining the sale of plaintiff's property. This is an action over which the Superior Court for the State of California, County of San Mateo may have jurisdiction. This court is without jurisdiction and, therefore, the complaint is DISMISSED without prejudice to filing in state court.

IT IS SO ORDERED.

Dated: April 15, 2009


MARILYN HALL PATEL
United States District Court Judge
Northern District of California

United States District Court
For the Northern District of California