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

United States District Court
For the Northern District of California

CAROLYN GAGE,
Plaintiff,
v.
AT HOME CAPITAL. et al,
Defendants.

No. C 09-3489 CRB

**ORDER DISMISSING FEDERAL
CLAIMS FOR FAILURE TO STATE A
CLAIM AND DISMISSING
REMAINING CLAIMS FOR LACK
OF SUBJECT MATTER
JURISDICTION**

This case comes before the Court on Defendants’ motion for judgment on the pleadings. Plaintiff’s counsel conceded at the hearing that the claim asserted under TILA is time-barred. It is therefore dismissed. The sole remaining federal claims, under 12 U.S.C. § 2601 and 15 U.S.C. § 1691, are also dismissed. As for 15 U.S.C. § 1691, the Equal Credit Opportunity Act, Plaintiff contends that Defendants violated this statutory provision by failing to make Plaintiff’s credit scores available to her. However, the cited section concerns discrimination and has nothing to do with credit scores. The Complaint therefore fails to state a claim upon which relief can be granted. Similarly, with regard to the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2601 *et seq.*, the Complaint suggests that Defendants are liable under for failing to disclose the existence of a contract between the lender and the broker. The cited sections, however, do not provide for any relief for such a failure. Plaintiff therefore entirely fails to state a claim under RESPA. Plaintiffs counsel

1 gave no indication at the hearing that an amendment could possibly cure these failures.

2 The federal claims are therefore DISMISSED WITH PREJUDICE, leaving only a
3 variety of state law claims. This Court declines to exercise supplemental jurisdiction, and
4 therefore DISMISSES those claims as well. If Plaintiff wishes, he may pursue relief on state
5 causes of action in state court.

6 **IT IS SO ORDERED.**

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9 Dated: August 23, 2010

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE