

United States District Court
For the Northern District of California

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

DELAINE M. HOFFMAN,
Plaintiff,
v.
INDYMAC BANK FSB, et al.,
Defendants

No. C-10-0802 MMC

**ORDER DISMISSING REMAINING
CLAIMS WITHOUT PREJUDICE;
DENYING AS MOOT DEFERRED
PORTION OF DEFENDANTS' MOTION
TO DISMISS; DENYING AS MOOT
PLAINTIFF'S MOTION FOR
ENLARGEMENT OF TIME TO SERVE
FIRST AMERICAN TITLE INSURANCE
COMPANY**

By order filed August 31, 2010, the Court granted in part and deferred ruling in part on defendants' motion to dismiss plaintiff's First Amended Complaint ("FAC"). Specifically, the Court dismissed the federal claims in the FAC, afforded plaintiff leave to file a Second Amended Complaint ("SAC") no later than September 20, 2010, and deferred ruling on defendants' motion to the extent it sought dismissal of plaintiff's state law claims. Thereafter, by order filed September 27, 2010, the Court extended the deadline for plaintiff to file a SAC to October 3, 2010.

Plaintiff has not filed a SAC. Accordingly, the instant action proceeds on the remaining claims in the FAC, each of which arises under state law.

The Court's jurisdiction over the state law claims alleged in the FAC is supplemental in nature. See 28 U.S.C. § 1367(a). Where, as here, all federal claims have been

1 dismissed, the district court may decline to exercise supplemental jurisdiction over any
2 remaining state law claims. See 28 U.S.C. § 1367(c)(3). Here, having considered the
3 matter, the Court finds it appropriate to decline to exercise supplemental jurisdiction over
4 the remaining state law claims.

5 Accordingly, the remaining claims in the FAC, specifically, plaintiff's state law claims,
6 are hereby DISMISSED without prejudice to plaintiff's refileing such claims in state court.

7 In light of the dismissal of plaintiff's state law claims, the deferred portion of
8 defendants' motion to dismiss is hereby DENIED as moot, and plaintiff's motion, filed
9 October 5, 2010, for an enlargement of time to serve defendant First American Title
10 Insurance Company is hereby DENIED as moot.

11 In light of the above, the November 19, 2010 Case Management Conference is
12 hereby VACATED.

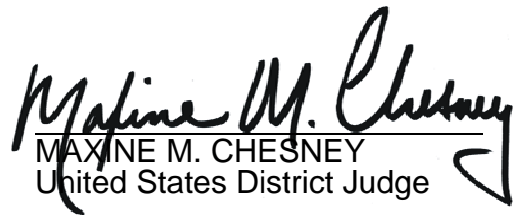
13 The Clerk is directed to close the file.

14 **IT IS SO ORDERED.**

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16 Dated: October 18, 2010

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MAXINE M. CHESNEY
United States District Judge

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