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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES M. SCHMIDT and ROBERT M.  
SCHMIDT,

Plaintiffs,

v.

JP MORGAN CHASE BANK, N.A.,  
CALIFORNIA RECONVEYANCE  
COMPANY,

Defendants.

No. C 12-05677 JSW

**ORDER DISMISSING CASE AND  
DIRECTING CLERK TO CLOSE  
FILE**

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On November 5, 2012, Plaintiffs filed applications to proceed *in forma pauperis* and a Complaint. On January 11, 2013, Magistrate Judge Jaqueline Scott Corley, to whom the case originally was assigned, issued a Report and Recommendation in which she recommended that: (1) the Court grant Plaintiffs' applications to proceed *in forma pauperis*; and (2) dismiss the Complaint because Plaintiffs had not sufficiently alleged that there was a basis for federal jurisdiction. Judge Corley noted that Plaintiffs' complaint only set forth state law causes of action and failed to establish complete diversity of parties. The Court received no objections within the time for filing objections.

On February 13, 2013, the Court issued an Order adopting Judge Corley's Report and Recommendation, and it dismissed the case for lack of subject matter jurisdiction. However, it gave Plaintiffs leave to file an amended complaint by no later than March 8, 2013. The Court also advised Plaintiffs that if they failed to file an amended complaint by that date,

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the Court would dismiss this case without prejudice.

Plaintiffs did not file an amended complaint by March 8, 2013. Accordingly, the Court dismisses this action without prejudice. The Clerk shall close this file.

**IT IS SO ORDERED.**

Dated: June 4, 2013

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 JAMES M. SCHMIDT ET.AL. et al,  
6 Plaintiff,

Case Number: CV12-05677 JSW

7 **CERTIFICATE OF SERVICE**

8 v.

9 JP MORGAN CHASE BANK, N.A.  
ET.AL. et al,

10 Defendant.  
11 \_\_\_\_\_/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
District Court, Northern District of California.

13 That on June 4, 2013, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
delivery receptacle located in the Clerk's office.

16  
17 James M. Schmidt  
18 Robert M. Schmidt  
2260 Maximilian Drive  
19 Campbell, CA 95008

20 Dated: June 4, 2013

*Jennifer Ottolini*  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk