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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RITO CHAVEZ and RAQUEL CHAVEZ,
Plaintiffs,
v.
WASHINGTON MUTUAL BANK, F.A., et al.,
Defendants.

Case Number C 09-3583 JF (PVT)
ORDER¹ GRANTING MOTION TO
DISMISS WITHOUT PREJUDICE
[re: document no. 32]

Defendant JP Morgan Chase Bank, N.A. moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss Plaintiffs’ second amended complaint (“SAC”) for failure to state a claim upon which relief may be granted. On January 7, 2010, the Court granted, with leave amend Defendant’s motion to dismiss Plaintiffs’ first amended complaint (“FAC”). The FAC alleged violations of the Truth in Lending Act, 15 U.S.C. § 1601 *et seq.* and related claims. However, the operative pleading presently before the Court – the SAC – alleges no federal claims. Plaintiffs have noted in their opposition to the instant motion to dismiss that the remaining claims for relief all arise under state law. Pls.’ Opp’n to MTD SAC 1:26-28.

¹ This disposition is not designated for publication in the official reports.

1 Without any federal claims present, the Court declines at this juncture to exercise its
2 supplemental jurisdiction over the state-law claims. *See* 28 U.S.C. § 1367(c); *ACRI v. Varian*
3 *Assocs., Inc.*, 114 F.3d 999, 1001-02 (9th Cir. 1997) (noting that “unless ‘values of judicial
4 economy, convenience, fairness, and comity’ would be served, the district court rarely should
5 exercise supplemental jurisdiction when remaining claims are based wholly on state law)
6 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)). Accordingly, the Court
7 will grant Defendant’s motion to dismiss without prejudice.

8 **ORDER**

9 Defendant’s motion to dismiss is hereby GRANTED without prejudice.

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11 DATED: April 7, 2010

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14 JEREMY FOGEL
United States District Judge

