

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BERNABE MORA; STEVEN MORA,)	Case No.: 13-CV-01528
)	
Plaintiff,)	ORDER RE: REQUEST FOR
v.)	SUMMONS TO ISSUE
)	
RICHARD MCMANAHAN; COLDWELL)	
BANKER; ALEX BALONI; QUALITY)	
LOANS; LITTON; NEW CENTURY; ALL)	
PERSON CLAIMING LEGAL ABILITY;)	
DOES 1-30; NEW CENTURY MORTGAGE)	
CORPORATION; GAY DALES INC)	
REALTORS; ROY C. GUNTER III,)	
)	
Defendants.)	
)	

On May 17, 2013, Magistrate Judge Howard Lloyd denied as moot Plaintiffs' application to proceed in forma pauperis, and referred this case to the undersigned judge for a related case determination. ECF No. 5. Judge Lloyd also further recommended that this action be dismissed for lack of subject matter jurisdiction. Id.

On June 21, 2013, this Court related the above-captioned case to Case No. 11-02319, ECF No. 8, and dismissed the above-captioned action for lack of subject matter jurisdiction, without prejudice to Plaintiffs to pursue their claims in state court. ECF No. 9.

On July 2, 2013, Plaintiffs filed a notice of appeal to the Ninth Circuit. ECF No. 11.

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On July 15, 2013, Plaintiffs filed a request for summons to issue, requesting that the U.S. Marshal serve defendants. ECF No. 14. Because the above-captioned case has been dismissed for lack of subject matter jurisdiction, Plaintiffs' application to proceed in forma pauperis has been denied as moot, and the case is currently on appeal, Plaintiffs' request is DENIED.

IT IS SO ORDERED.

Dated: July 29, 2013



LUCY H. KOH
United States District Judge