

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BANK OF NEW YORK MELLON, Case No. 2:17-CV-1891 JCM (VCF)

Plaintiff(s),

ORDER

V.

JOHN W. MANN,

Defendant(s).

Presently before the court is plaintiff Bank of New York Mellon's motion to expunge defendant's notice of lis pendens. (ECF No. 15). Defendant John Mann filed a response (ECF No. 16), to which plaintiff replied (ECF No. 18).

Also before the court is defendant's motion to strike plaintiff's motion to expunge list pendens. (ECF No. 17).

In an order dated August 25, 2017, the court remanded this case to state court. (ECF No. 14). The court is therefore without jurisdiction to consider either motion. See *Barlow v. BNC Mortgage Inc.*, No. 3:09-cv-00677-LRH-RAM, 2011 WL 3841074, at *2 (D. Nev. Aug. 25, 2011).

Plaintiff's reply in support of its motion to expunge cites Rosetto v. Wells Fargo Home Mortg., No. 2:14-cv-00142-GMN-CWH, 2017 U.S. Dist. Lexis 75019, at *2 (D. Nev. May 17, 2017), to support its position that this court has jurisdiction to expunge the notice of lis pendens. (ECF No. 18). Rosetto is factually distinguishable from the case at bar, as Rosetto involved dismissal of an action and not a remand to state court. 2017 U.S. Dist. Lexis 75019, at *2.

• • •

**James C. Mahan
U.S. District Judge**

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the court lacks jurisdiction
3 to consider plaintiff's motion to expunge lis pendens (ECF No. 15) and defendant's motion to
4 strike (ECF No. 17). The parties may renew these motions in front of the appropriate court.

5 DATED September 21, 2017.

6 
7 UNITED STATES DISTRICT JUDGE

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28