

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-2516

George J. Lubberda,

Appellant,

v.

Regions Bank, doing business
as Regions Mortgage,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: December 1, 2011

Filed: December 7, 2011

Before MURPHY, ARNOLD, and BENTON, Circuit Judges.

PER CURIAM.

In this action against Regions Bank for allegedly violating the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. § 2605, and Missouri common law, George Lubberda appeals the district court's¹ adverse grant of summary judgment on his federal claim and dismissal without prejudice of his state-law claim.

¹The Honorable David D. Noce, United States Magistrate Judge for the Eastern District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

Following careful de novo review, see Anderson v. EMC Mortg. Corp., 631 F.3d 905, 906 (8th Cir. 2011) (reviewing grant of summary judgment de novo), we agree with the district court that Regions Bank did not violate RESPA, see 12 U.S.C. § 2605(g) (if terms of federally related mortgage loan require borrower to make payments to servicer for deposit into escrow account for purpose of assuring payment of taxes, servicer shall make payments from escrow account in timely manner as such payments become due); 24 C.F.R. § 3500.17(k)(1) (if terms of any federally related mortgage loan require borrower to make payments to escrow account, servicer must pay disbursements in timely manner, that is, on or before deadline to avoid penalty, as long as borrower's payment is not more than 30 days overdue). We also conclude that the district court did not abuse its discretion in declining to exercise jurisdiction over Luberda's state-law claim. See 28 U.S.C. § 1367(c)(3) (district court may decline to exercise supplemental jurisdiction over claim if it has dismissed all claims over which it has original jurisdiction). Accordingly, we affirm the judgment. See 8th Cir. R. 47B.
