

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Steshenko v. Board of Trustees of Foothill-De Anza Community
College District

Steshenko · No. 24-cv-06126-SVK · Decided September 5, 2025

SUMMARY

The United States District Court for the Northern District of California grants defendants’ motion to dismiss the plaintiff’s First Amended Complaint and denies the motion to strike as moot. The court dismisses the federal claims for First Amendment retaliation, retaliation for filing an age-discrimination complaint, and due process violations without leave to amend, finding insufficient allegations of entitlement, adverse action, and causation. The court declines supplemental jurisdiction over the remaining state-law claims for breach of obligations arising under law and breach of contract.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Susan van Keulen
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 5, 2025
DOCKET	24-cv-06126-SVK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss and under Rule 12(f) to strike Plaintiff's First Amended Complaint. The court granted the motion to dismiss, dismissed the federal claims without leave to amend, declined supplemental jurisdiction over the state-law claims, and denied the motion to strike as moot.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the plaintiff's favor, but need not accept conclusory allegations, unwarranted factual deductions, or unreasonable inferences. The complaint must allege sufficient facts to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

PARTIES

Gregory Nicholas Steshenko v. Board of Trustees of Foothill-De Anza Community College District, Foothill-De Anza Community College District, Individual trustees, District employee

TOPICS

motions to dismiss

section 1983

first amendment

due process

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

education law

contracts

QUESTIONS PRESENTED

1. Whether the First Amended Complaint plausibly stated a First Amendment retaliation claim under 42 U.S.C. § 1983 based on Defendants' alleged refusal to enroll Plaintiff in practicum courses after he filed state-court lawsuits.
2. Whether the First Amended Complaint plausibly stated a retaliation claim based on Plaintiff's complaints about age discrimination under the ADEA, the Age Discrimination Act of 1975, FEHA, or related regulations.
3. Whether the First Amended Complaint plausibly stated a procedural due process claim based on Defendants' alleged failure to respond to Plaintiff's enrollment request.
4. Whether the court should decline supplemental jurisdiction over the remaining California-law claims after dismissing all federal claims.
5. Whether Defendants' motion to strike should be decided after the complaint was dismissed.

HOLDINGS

1. The First Amended Complaint failed to state a First Amendment retaliation claim because it did not plausibly allege an adverse action or that Plaintiff's lawsuits were a substantial or motivating factor in Defendants' conduct.
2. The First Amended Complaint failed to state a retaliation claim based on Plaintiff's age-discrimination complaints because it did not plausibly allege that Defendants took adverse action against him because of those complaints.
3. The First Amended Complaint failed to state a procedural due process claim under the Fourteenth Amendment or California Constitution because it did not plausibly allege a protected entitlement to enrollment or a deprivation without due process.
4. After dismissing all claims over which it had original jurisdiction, the court declined to exercise supplemental jurisdiction over Plaintiff's remaining state-law claims.

KEY QUOTATIONS

“enough facts to state a claim to relief that is plausible on its face.” (at 570)

“Simply put, Plaintiff cannot obtain through a First Amendment retaliation claim here what he could not obtain directly through the First Amendment activity (initiating unsuccessful state court litigation) itself.” (III.A.1, at 9)

“The federal claims (First, Second, and Third Causes of Action) are DISMISSED WITHOUT LEAVE TO AMEND, and the Court DECLINES to exercise supplemental jurisdiction over the state law claims (Fourth and Fifth Causes of Action).” (IV, at 13)

FACTUAL BACKGROUND

Gregory Nicholas Steshenko enrolled in the Medical Laboratory Technician program at Foothill-De Anza Community College District in fall 2016. He alleged that, after completing prerequisites, he was entitled to enroll in required practicum courses but was unable to do so after emailing the MLT Program Director and trustees. He contended that the defendants' failure to respond or permit enrollment was retaliation for his state-court litigation and age-discrimination complaints and violated due process. The court found that the amended complaint did not plausibly allege a legal entitlement to enrollment, an adverse action, or a causal connection between protected activity and the alleged enrollment-related conduct.

PROCEDURAL HISTORY

Plaintiff previously filed an original complaint arising from his unsuccessful attempts to complete the Medical Laboratory Technician program. On April 8, 2025, the court granted in part and denied in part Defendants' motion to dismiss, dismissing some claims without leave to amend and granting leave to amend limited portions of other claims. Plaintiff filed the First Amended Complaint, after which Defendants again moved to dismiss or strike. The court granted dismissal of the amended federal claims without leave to amend and declined supplemental jurisdiction over the remaining state claims.

DISPOSITION

dismissed

CASES CITED

- Metzler Inv. GmbH v. Corinthian Colls., Inc., 540 F.3d 1049, 1061 (9th Cir. 2008)
- Usher v. City of Los Angeles, 828 F.2d 556, 561 (9th Cir. 1987)
- In re Gilead Sciences Securities Litigation, 536 F.3d 1049, 1055 (9th Cir. 2008)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Lucas v. Department of Corrections, 66 F.3d 245, 248 (9th Cir. 1995)
- Capp v. County of San Diego, 940 F.3d 1046, 1053 (9th Cir. 2019)
- Lacano Investments, LLC v. Balash, 765 F.3d 1068, 1071 (9th Cir. 2014)
- Watison v. Carter, 668 F.3d 1108, 1114 (9th Cir. 2012)
- Capp v. County of San Diego, 940 F.3d 1046, 1055 (9th Cir. 2019)

- Sonner v. Schwabe North America, Inc., 971 F.3d 834, 845 (9th Cir. 2020)
- AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006)

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