

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Julie A. Meckfessel-Poletti v. Workday, Inc.

Meckfessel-Poletti v. Workday · No. 2:25-cv-01315-DJC-CSK PS · Decided December 29, 2025

SUMMARY

The document contains findings and recommendations by a United States Magistrate Judge in the Eastern District of California recommending dismissal of Julie A. Meckfessel-Poletti’s First Amended Complaint against Workday, Inc. and Sprouts Farmers Market, Inc. without leave to amend. The court concludes that the complaint fails to state claims under Title VII, the ADEA, the ADA, and GINA, and declines to exercise supplemental jurisdiction over the state-law FEHA claim. The recommendations also direct the Clerk to close the case, subject to the parties’ right to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 29, 2025
DOCKET	2:25-cv-01315-DJC-CSK PS
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on screening of a pro se plaintiff's First Amended Complaint filed in an action proceeding in forma pauperis.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must screen an in forma pauperis action and dismiss it if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court accepts well-pleaded factual allegations as true, construes them in the plaintiff's favor, liberally construes pro se pleadings, and disregards conclusory allegations, unreasonable inferences, and unwarranted factual deductions. A complaint must contain sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Julie A. Meckfessel-Poletti v. Workday, Inc.

TOPICS

civil procedure

pleadings

title vii

ada / disability

employment discrimination

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether the First Amended Complaint stated any claim for relief under 28 U.S.C. § 1915(e)(2)(B).
2. Whether Plaintiff plausibly alleged Title VII discrimination or retaliation against Workday or Sprouts.
3. Whether Plaintiff plausibly alleged an ADEA claim against Workday or Sprouts.
4. Whether Plaintiff plausibly alleged an ADA failure-to-accommodate or disability-discrimination claim against Workday or Sprouts.
5. Whether Plaintiff plausibly alleged a GINA claim and whether the court should exercise supplemental jurisdiction over the California FEHA claim.

HOLDINGS

1. The First Amended Complaint failed to state a claim against Workday because Plaintiff did not allege that Workday was her employer or otherwise plead facts establishing Workday's liability under the asserted employment-discrimination statutes.
2. Plaintiff failed to state a Title VII discrimination or retaliation claim against Sprouts because she did not sufficiently allege discrimination based on a protected characteristic or a causal connection between protected activity and an adverse employment action.
3. Plaintiff failed to state an ADEA claim against Sprouts because, although she alleged that she was at least forty years old when discharged, she did not sufficiently allege satisfactory job performance or replacement by a substantially younger employee with equal or inferior qualifications, or other circumstances supporting an inference of age discrimination.
4. Plaintiff failed to state an ADA claim against Sprouts because, although she sufficiently alleged for screening purposes that she was disabled and qualified, she did not allege that she suffered an adverse employment action because of her disability or that Sprouts failed to accommodate her in a legally actionable manner.
5. Plaintiff failed to state a GINA claim because she alleged no facts showing that either defendant discriminated against her or discharged her on the basis of genetic information. Because all federal claims failed, the court recommended declining supplemental jurisdiction over the state-law FEHA claim.
6. Further amendment should not be permitted because Plaintiff had already received an opportunity to amend and the identified pleading deficiencies remained incurable on the allegations presented.

KEY QUOTATIONS

“To state a claim on which relief may be granted, the plaintiff must allege enough facts “to state a claim to relief that is plausible on its face.”” (at 1)

“A pro se litigant must be given leave to amend his or her complaint, and some notice of its deficiencies, unless it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.” (at 10)

FACTUAL BACKGROUND

Plaintiff alleged that she was employed by Sprouts Farmers Market, Inc. and that she experienced discriminatory, harassing, retaliatory, age-related, disability-related, and genetic-information-related conduct. She named Workday, Inc. primarily because Plaintiff's cousin worked there and because Workday allegedly provided contracted human-resources services to Sprouts, but she did not allege that Workday employed her. Plaintiff alleged a disability affecting her arm, requests concerning deli work and scheduling, workplace comments and incidents, reports of unsafe conditions and harassment, and termination by Sprouts. The court concluded that the First Amended Complaint still lacked facts connecting the alleged adverse actions to a protected characteristic or legally protected activity.

PROCEDURAL HISTORY

The court previously granted Plaintiff's application to proceed in forma pauperis, dismissed the original Complaint, and granted leave to amend. Plaintiff filed a First Amended Complaint asserting Title VII, ADEA, ADA, GINA, and California FEHA claims against Workday, Inc. and Sprouts Farmers Market, Inc. The magistrate judge recommended dismissal of the First Amended Complaint without leave to amend and closure of the case, subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1130-31 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996)
- Ray v. Henderson, 217 F.3d 1234, 1240 (9th Cir. 2000)
- Univ. of Tex. Sw. Med. Ctr. v. Nassar, 570 U.S. 338, 362 (2013)
- E.E.O.C. v. Cal. Psychiatric Transitions, Inc., 644 F. Supp. 2d 1249, 1279 (E.D. Cal. 2009)

- Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- Diaz v. Eagle Produce, Ltd., 521 F.3d 1201, 1207 (9th Cir. 2008)
- Samper v. Providence St. Vincent Med. Ctr., 675 F.3d 1233, 1237 (9th Cir. 2012)
- Allen v. Pac. Bell, 348 F.3d 1113, 1114 (9th Cir. 2003)
- Tulipat v. Lombardo, 2020 WL 6566846, at *3 (D. Nev. Nov. 9, 2020)
- Biruk v. Boeing Co., 2025 WL 1866182, at *5 (W.D. Wash. July 7, 2025)
- Campos v. Fresno Deputy Sheriff's Ass'n, 535 F. Supp. 3d 913, 930 (E.D. Cal. 2021)
- Religious Tech. Ctr. v. Wollersheim, 971 F.2d 364, 367-68 (9th Cir. 1992)
- Jones v. Community Redev. Agency, 733 F.2d 646, 649 (9th Cir. 1984)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

OPINION

Julie A. Meckfessel-Poletti v. Workday, Inc.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JULIE A. MECKFESSEL-POLETTI, Case No. 2:25-cv-01315-DJC-CSK PS 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

DISMISSING FIRST AMENDED

14 WORKDAY, INC., COMPLAINT WITHOUT LEAVE TO

AMEND

15 Defendant. (ECF No. 4) 16 17 Plaintiff Julie A. Meckfessel-Poletti, representing herself in this
action, has filed a 18 First Amended Complaint (“FAC”).¹ FAC (ECF No. 4). The Court
previously granted 19 Plaintiff’s application to proceed in forma pauperis (“IFP”), dismissed the
Complaint, and 20 granted leave to amend. (ECF No. 3.) The Court finds that the FAC fails to
state a claim, 21 and therefore recommends that the FAC be dismissed without leave to amend.

22 I. SCREENING REQUIREMENT

23 Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis 24 proceeding,
and must order dismissal of the case if it is “frivolous or malicious,” “fails to 25 state a claim on
which relief may be granted,” or “seeks monetary relief against a 26 defendant who is immune
from such relief.” 28 U.S.C. § 1915(e)(2)(B); Lopez v. Smith, 27 1 This matter proceeds before
the undersigned pursuant to 28 U.S.C. § 636, Fed. R. 28 Civ. P. 72, and Local Rule 302(c). 1 203
F.3d 1122, 1126-27 (2000) (en banc). A claim is legally frivolous when it lacks an 2 arguable basis
either in law or in fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989). In 3 reviewing a complaint
under this standard, the court accepts as true the factual 4 allegations contained in the complaint,
unless they are clearly baseless or fanciful, and 5 construes those allegations in the light most

favorable to the plaintiff. See *Neitzke*, 490 U.S. at 327; *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011). 8 Pleadings by self-represented litigants are liberally construed. *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010) (liberal construction appropriate even post-*Iqbal*). 10 However, the court need not accept as true conclusory allegations, unreasonable 11 inferences, or unwarranted deductions of fact. *Western Mining Council v. Watt*, 643 F.2d 1261, 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does 13 not suffice to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007); 14 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). 15 To state a claim on which relief may be granted, the plaintiff must allege enough 16 facts “to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A 17 claim has facial plausibility when the plaintiff pleads factual content that allows the court 18 to draw the reasonable inference that the defendant is liable for the misconduct alleged.” 19 *Iqbal*, 556 U.S. at 678. A pro se litigant is entitled to notice of the deficiencies in the 20 complaint and an opportunity to amend unless the complaint’s deficiencies could not be 21 cured by amendment. See *Lopez*, 203 F.3d at 1130-31; *Cahill v. Liberty Mut. Ins. Co.*, 80 F.3d 336, 339 (9th Cir. 1996).

23 II. DISCUSSION

24 In the FAC, Plaintiff brings the same claims that were brought in the Complaint, 25 but makes clear in the FAC that both Sprouts Farmers Market, Inc. and Workday, Inc. 26 are named defendants. 2 Plaintiff brings this action against Defendants alleging violations 27 2 Additional background is provided in the Court’s first screening order. 8/25/2025 28 Order (ECF No. 3). 1 of (1) Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-17; (2) Age 2 Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. § 621-634; (3) Americans 3 with Disabilities Act of 1990 (“ADA”), 42 U.S.C. § 12112-12117; (4) Genetic Information 4 Nondiscriminatory Act (“GINA”); and (5) California Fair Employment and Housing Act 5 (“FEHA”), Cal. Government Code 12940. FAC at 4, 22-23. The Court addresses each of 6 the claim’s deficiencies as it relates to Defendants. 7 Though the FAC provides additional details, as discussed below, even with the 8 additional details, Plaintiff’s allegations fail to state a claim. 9 A. Federal Rule of Civil Procedure 8 10 Plaintiff’s FAC does not contain a short and plain statement of a claim as required 11 by Federal Rule of Civil Procedure 8. In order to give fair notice of the claims and the 12 grounds on which they rest, a plaintiff must allege with at least some degree of 13 particularity overt acts by specific defendants which support the claims. See *Kimes v. 14 Stone*, 84 F.3d 1121, 1129 (9th Cir. 1996). A review of Plaintiff’s FAC reveals it consists 15 of “[t]hreadbare recitals of the elements” of her causes of action and fails to state a claim 16 for relief. *Iqbal*, 556 U.S. at 678. 17 As an initial matter, the Court notes that most of Plaintiff’s allegations are against 18 Sprouts and Sprouts employees. It appears Plaintiff includes Workday as a Defendant 19 because her cousin is an employee at Workday. Plaintiff alleges “that the discriminatory 20 conduct at [Sprouts] wouldn’t have occurred if it hadn’t been for my adoptive first cousin 21 Lisa Meckfessel

McFall[’s] position as VP, Deputy Council for Intellectual Property at 22 [Workday].” FAC ¶ 25. Plaintiff also alleges “that the but for cause of all of the Plaintiffs’ 23 alleged discriminatory actions carried out at [Sprouts] [c]ame from [Workday] and the 24 adverse actions were related to my adoptive families ongoing attempt to get me out of 25 my parents Will & Trust and Desmond, Nolan, Liviach and Cunningham.” Id. As the 26 Court addresses below, Plaintiff’s allegations against Defendants Workday and Sprouts 27 are insufficient to state a claim. 28 / / / 1 B. Title VII Claim 2 1. Legal Standards 3 Title VII protects individuals from discrimination based on race, color, gender, 4 religion, or natural origin. See 42 U.S.C. § 2000e-2(a)(1). To state a claim for retaliation 5 under Title VII, an employee must show (1) she engaged in a protected activity; (2) the 6 employer subjected her to an adverse employment action; and (3) a causal link exists 7 between the protected activity and the adverse action. *Ray v. Henderson*, 217 F.3d 8 1234, 1240 (9th Cir. 2000). The last element requires that the protected activity be the 9 but-for cause of the alleged adverse action. *Univ. of Tex. Sw. Med. Ctr. v. Nassar*, 570 10 U.S. 338, 362 (2013). An employee has engaged in a protected activity if she has either 11 (1) “opposed any practice made an unlawful employment practice by Title VII” or 12 (2) “made a charge, testified, assisted or participated in any manner in an investigation, 13 proceeding or hearing” under Title VII. *E.E.O.C. v. Cal. Psychiatric Transitions, Inc.* 644 14 F. Supp. 2d 1249, 1279 (E.D. Cal. 2009). Additionally, “making complaints to an officer 15 of a company about discriminatory practices is a protected activity.” Id. 16 2. Workday 17 As the Court already found in its first screening order dismissing this claim against 18 Defendant Workday, the FAC does not sufficiently allege that Workday is Plaintiff’s 19 employer. See 8/25/2025 Order at 5; FAC. Despite being expressly informed of this 20 defect in the Complaint, the FAC remains similarly defective. Plaintiff alleges that she 21 was employed by Sprouts, but does not allege that she was also employed by Workday. 22 See FAC. The alleged connection to Workday is Plaintiff’s allegation that the 23 discriminatory conduct that occurred at Sprouts would not have occurred but for the 24 employment of her cousin Lisa Meckfessel McFall at Workday, which is Sprout’s 25 contracted Human Resources company. FAC ¶¶ 2, 4, 19, 25. In addition, Plaintiff’s 26 allegations related to protected activities are related to activities and individuals at 27 Sprouts, not Workday. See FAC. 28 Accordingly, Plaintiff fails to state a claim against Defendant Workday, and 1 Plaintiff’s Title VII claim against Workday is dismissed without leave to amend because 2 Plaintiff has already been provided with an opportunity to amend and further amendment 3 would be futile. See *Cato v. United States*, 70 F.3d 1103, 1105-06 (9th Cir. 1995). 4 3. Sprouts 5 Plaintiff has also failed to state a Title VII claim against Defendant Sprouts. In its 6 first screening order dismissing this claim against Defendant Sprouts, Plaintiff was 7 informed that the Complaint failed to sufficiently allege that she suffered discrimination 8 due to a protected ground. See 8/25/2025 at 6. The FAC alleges discrimination on the 9 basis of religion. FAC at 5. Despite being expressly informed of the defects in the 10 Complaint, the FAC fails to sufficiently allege that Plaintiff suffered discrimination due to 11 her religion or another protected ground, or that she suffered retaliation. 12 Though Plaintiff alleges

that she was employed by Sprouts, see FAC ¶ 8, the FAC 13 fails to sufficiently allege the other elements for a Title VII discrimination or retaliation 14 claim against Sprouts. See FAC; Univ. of Tex. Sw. Med. Ctr., 570 U.S. at 362; Ray, 217 15 F.3d at 1240; Cal. Psychiatric Transitions, 644 F. Supp. 2d at 1279. The FAC’s primary 16 allegations concern Plaintiff’s manager, Sprouts employee Tonia Tong. The FAC alleges 17 Plaintiff had difficulty adjusting her schedule to take care of her daughter, and that the 18 supervisor was not accommodating. FAC ¶¶ 34-40. The FAC alleges harassment where 19 Ms. Tong made “negative underhanded comments” to Plaintiff, but Plaintiff “never 20 witnessed her being overly rude or sarcastic with other employees than me” (FAC ¶ 47); 21 when a non-management employee who was senior to Plaintiff “had me doing heavier 22 tasks instead of prepping food for the deli cases” (FAC ¶ 50); and that Plaintiff was sent 23 upstairs to the supply room, and there was a post it note on the door stating “Your life is 24 not a joke, jokes have meaning” (FAC ¶ 55). Plaintiff alleges that she engaged in 25 protected activities “for reporting unsafe working conditions for leaving boxes of meat 26 stacked in walking areas” and “for reporting harassment.” FAC ¶¶ 5, 38. Plaintiff reported 27 to Ms. Tong that Plaintiff “felt that I was being harassed by the overly different 28 treatment.” FAC ¶ 50. She also reported the post-it note to a new deli manager named 1 Adrienne. FAC ¶ 55. Further, while the FAC includes allegations related to religion where 2 Plaintiff told a supervisor that her daughter attended a Christian high school, and the 3 supervisor “laughed and asked [Plaintiff] if [she] was Catholic” and “[k]ind of mocked me 4 with a disbelieving expression,” these allegations fail to state a claim of discrimination 5 due to Plaintiff’s religion. 6 The FAC fails to sufficiently allege that any discrimination occurred based on 7 Plaintiff’s religion or any other protected ground (race, color, gender, or national origin).³

8 See 42 U.S.C. § 2000e-2(a)(1). In addition, the FAC fails to allege a retaliation claim.

9 The FAC’s conclusory allegation that Plaintiff “was terminated in retaliation” (FAC ¶ 84) 10 is insufficient. Accordingly, Plaintiff’s Title VII claims against Sprouts are dismissed 11 without leave to amend because Plaintiff has already been provided with an opportunity 12 to amend and further amendment would be futile. See Cato, 70 F.3d at 1105-06. 13 C. ADEA Claim 14 1. Legal Standards 15 Under the ADEA, it is unlawful to discharge any individual because of his or her 16 age. 29 U.S.C. § 623(a)(1). To state a claim under the ADEA, a plaintiff must show: 17 (1) she was at least 40 years old, (2) she was performing her job satisfactorily, (3) she 18 was discharged, and (4) either replaced by substantially younger employees with equal 19 or inferior qualifications or discharged under other circumstances that gave rise to an 20 inference of age discrimination. Diaz v. Eagle Produce, Ltd., 521 F.3d 1201, 1207 (9th 21 Cir. 2008).

22 2. Workday 23 Plaintiff does not sufficiently plead an ADEA claim against Defendant Workday. 24 As described above, the FAC again fails to allege that Workday is Plaintiff’s employer.

25 See 8/25/2025 Order at 6. In addition, the FAC alleges Plaintiff was discharged by

26 3 The Court notes that though the FAC includes allegations related to Plaintiff’s work 27

schedule and childcare, the FAC does not allege discrimination on the basis of gender or sex, or include any allegations regarding how male employees were treated or 28 employees without children. See FAC. 1 Sprouts, not Workday. See FAC ¶ 70. Because Plaintiff fails to state an ADEA claim 2 against Workday, the ADEA claim against Workday is dismissed without leave to amend 3 because Plaintiff has already been provided with an opportunity to amend and further 4 amendment would be futile. See Cato, 70 F.3d at 1105-06. 5 3. Sprouts 6 Plaintiff also does not sufficiently plead an ADEA claim against Defendant 7 Sprouts. In its first screening order dismissing this claim against Defendant Sprouts, the 8 Court concluded that Plaintiff did not sufficiently allege that Plaintiff was performing her 9 job satisfactorily or that she was replaced by a person substantially younger than her 10 with equal or inferior qualifications. See 8/25/2025 Order at 7. The FAC alleges that 11 younger applicants received the other deli position Plaintiff requested while she was still 12 employed at Sprouts (FAC ¶ 45), but does not allege that Plaintiff was performing her job 13 satisfactorily or that after Plaintiff was discharged, that she was replaced by a person 14 substantially younger than her with equal or inferior qualifications. See FAC. Despite 15 being expressly informed of the Complaint's defects, the FAC again fails to plead the 16 required elements. See FAC ¶ 45; see also Diaz, 521 F.3d at 1207. The only ADEA 17 element sufficiently pled is that Plaintiff was 53 years old when she was discharged. 18 Because the FAC fails to allege sufficient facts to state an ADEA claim against Sprouts, 19 this claim is dismissed without leave to amend. See Cato, 70 F.3d at 1105-06. 20 D. ADA Claim 21 1. Legal Standards 22 Pursuant to the ADA, a "disability" is defined as: a physical or mental impairment 23 that substantially limits one or more of the major life activities of such individual; a record 24 of such an impairment; or being regarded as having such an impairment. 42 U.S.C. 25 § 12102(2). A failure to accommodate claim under the ADA requires that the plaintiff 26 establish (1) she is disabled within the meaning of the ADA; (2) she is a qualified 27 individual able to perform the essential functions of the job with reasonable 28 accommodation; and (3) she suffered an adverse employment action because of her 1 disability. *Samper v. Providence St. Vincent Med. Ctr.*, 675 F.3d 1233, 1237 (9th Cir. 2 2012) (citing *Allen v. Pac. Bell*, 348 F.3d 1113, 1114 (9th Cir. 2003)); see 42 U.S.C. 3 § 12112(a), (b)(5)(A). A "qualified individual" is an individual with a disability who, either 4 with or without a reasonable accommodation, can perform the essential functions of the 5 employment position. *Samper*, 675 F.3d at 1237. The individual must satisfy the 6 requisite skill, experience, education, and other job-related requirements of the 7 employment position. *Id.* 8 2. Workday 9 Plaintiff has again failed to state an ADA claim against Defendant Workday. As 10 described above, despite being expressly informed of this defect in the Court's first 11 screening order, the FAC fails to allege that Workday is Plaintiff's employer, which is a 12 required element. See 8/25/2025 Order at 7-8; FAC. Because Plaintiff fails to state an 13 ADA claim against Workday, the ADA claim against Workday is dismissed without leave 14 to amend because Plaintiff has already been provided with an opportunity to amend and 15 further amendment would be futile. See Cato, 70 F.3d at 1105-06. 16 3. Sprouts 17 In its first screening order

dismissing this ADA claim, the Court concluded that the 18 Complaint failed to sufficiently allege that Plaintiff suffered an adverse employment 19 action due to her disability. See 8/25/2025 Order at 8. Despite being expressly informed 20 of this defect, the FAC also fails to sufficiently allege that Plaintiff was terminated or was 21 not assigned to different deli positions due to her disability. See FAC; Samper, 675 F.3d 22 at 1237. 23 Here, for purposes of screening, the FAC has sufficiently alleged that Plaintiff is 24 disabled within the meaning of the ADA and that Plaintiff is a qualified individual who can 25 perform the essential functions of the job. See FAC ¶¶ 2, 8-10; Samper, 675 F.3d at 26 1237. The FAC alleges Plaintiff carried a food handlers' card, passed required food 27 safety courses and exams, and completed training modules prior to being on the floor in 28 the deli. FAC ¶¶ 8-10. Though the FAC includes allegations related to Plaintiff's arm 1 disability, including her request to "move table positions in the deli" and work different 2 positions in the deli (FAC ¶¶ 39, 45), the FAC does not, however, allege that Plaintiff 3 was not assigned different deli position or that she was terminated because of her 4 disability.⁴ See FAC; Samper, 675 F.3d at 1237. Therefore, the Court dismisses 5 Plaintiff's ADA claim against Sprouts without leave to amend. See Cato, 70 F.3d at 6 1105-06. 7 E. GINA Claim 8 1. Legal Standards 9 "Genetic information" refers to information about an individual's genetic tests, the 10 genetic tests of family members of such individual, and/or the manifestation of a disease 11 or disorder in family members of such individual. 42 U.S.C. § 2000ff(4)(A); see Tulipat v. 12 Lombardo, 2020 WL 6566846, at * 3 (D. Nev. Nov. 9, 2020). Under GINA, an employer 13 is "prohibited from using individual or family genetic information when making 14 employment decisions or otherwise discriminating on the basis of an employee's genetic 15 information." Biruk v. Boeing Co., 2025 WL 1866182, at *5 (W.D. Wash. July 7, 2025) 16 (citing 42 U.S.C. § 2000ff-1(a)). 17 2. Workday 18 Plaintiff has failed to state a GINA claim against Defendant Workday. As 19 described above, despite being expressly informed of this defect in the Court's first 20 screening order, the FAC fails to allege that Workday is Plaintiff's employer, which is a 21 required element. See 8/25/2025 Order at 9; FAC. Plaintiff appears to bring this claim 22 because she is related to a Workday employee, Lisa Meckfessel McFall. See FAC ¶ 25. 23 Therefore, the GINA claim against Workday is dismissed without leave to amend 24 because Plaintiff has already been provided with an opportunity to amend and further 25 26 4 Though the FAC also includes allegations that contradict Plaintiff's ADA claim, such as the allegation that Plaintiff "was fully capable of competently completing all tasks 27 without accommodations" (FAC ¶ 50), the Court does not consider this in concluding that the FAC fails to allege an ADA claim as a plaintiff is permitted to allege contradictory 28 allegations. See Fed. R. Civ. P. 8(d). 1 amendment would be futile. See Cato, 70 F.3d at 1105-06. 2 3. Sprouts 3 Plaintiff also fails to sufficiently plead a GINA claim against Defendant Sprouts. 4 Despite being expressly informed of this defect in the Complaint, the FAC also fails to 5 plead the elements of this GINA claim. See 8/25/2025 Order at 9. The FAC does not 6 allege any facts to suggest Plaintiff was discharged or discriminated on the basis of any 7 genetic information. See FAC; Biruk, 2025 WL 1866182, at *5. Accordingly, Plaintiff's 8 claim against

Sprouts is dismissed without leave to amend because Plaintiff has already 9 been provided with an opportunity to amend and further amendment would be futile. See 10 Cato, 70 F.3d at 1105-06. 11 F. Plaintiff's State Law Claim 12 As discussed above, Plaintiff has failed to state a claim under federal law and has 13 not established this Court's jurisdiction. Accordingly, the Court will not exercise 14 supplemental jurisdiction over Plaintiff's state law claim. See 28 U.S.C. § 1367(c)(3); 15 Campos v. Fresno Deputy Sheriff's Ass'n, 535 F. Supp. 3d 913, 930 (E.D. Cal. 2021); 16 Religious Tech. Ctr. v. Wollersheim, 971 F.2d 364, 367-68 (9th Cir. 1992). 17 G. Leave to Amend 18 Although the Federal Rules adopt a flexible pleading policy, even a pro se 19 litigant's complaint must give fair notice and state the elements of a claim plainly and 20 succinctly. Jones v. Community Redev. Agency, 733 F.2d 646, 649 (9th Cir. 1984). If the 21 court finds that a complaint should be dismissed for failure to state a claim, it has 22 discretion to dismiss with or without leave to amend. Lopez, 203 F.3d at 1126-30. Leave 23 to amend should be granted if it appears possible that the defects in the complaint could 24 be corrected, especially if a plaintiff is pro se. Id. at 1130-31; see also Cato, 70 F.3d at 25 1106 ("A pro se litigant must be given leave to amend his or her complaint, and some 26 notice of its deficiencies, unless it is absolutely clear that the deficiencies of the 27 complaint could not be cured by amendment.") (citation omitted). However, if, after 28 careful consideration, it is clear that a complaint cannot be cured by amendment, the 1 | court may dismiss without leave to amend. Cato, 70 F.3d at 1105-06. 2 Here, Plaintiff was already granted one chance to amend her complaint, and the 3 | Court provided a detailed explanation of the deficiencies in her complaint. See 8/25/2025 4 | Order. Despite this, Plaintiff was unable to allege sufficient facts to state a claim against 5 | either defendant. Accordingly, the Court finds that further amendment would be futile. 6 | The FAC should therefore be dismissed without leave to amend. See Lopez, 203 F.3d at 7 || 1130-31; Cato, 70 F.3d at 1105-06. 8 | Ill. CONCLUSION 9 In accordance with the above, IT |S RECOMMENDED that: 10 1. Plaintiff's First Amended Complaint (ECF No. 4) be DISMISSED without 11 leave to amend; and 12 2. The Clerk of the Court be directed to CLOSE this case. 13 These findings and recommendations are submitted to the United States District 14 | Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 15 | 14 days after being served with these findings and recommendations, any party may file 16 | written objections with the Court and serve a copy on all parties. This document should 17 | be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any 18 | reply to the objections shall be served on all parties and filed with the Court within 14 19 | days after service of the objections. Failure to file objections within the specified time 20 || may waive the right to appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 21 | 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991). 22 93 Dated: December 29, 2025 (i s \C

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UNITED STATES MAGISTRATE JUDGE

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