

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Julian Torres v. Employment Development Department (EDD), et al.

Torres · No. 25-cv-08964-TLT · Decided October 17, 2025

SUMMARY

The United States District Court for the Northern District of California grants Julian Torres’s application to proceed in forma pauperis but dismisses his complaint with prejudice under 28 U.S.C. § 1915(e)(2) for failure to state a claim. The complaint asserted claims under Title II of the Americans with Disabilities Act, the Rehabilitation Act, California Government Code § 11135, the ADA’s retaliation provision, and the Due Process Clause. The court also denies the motion for a temporary restraining order and directs the Clerk to terminate the case.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Trina L. Thompson
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 17, 2025
DOCKET	25-cv-08964-TLT
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a complaint and a motion for a temporary restraining order, along with an application to proceed in forma pauperis. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2), dismissed the complaint with prejudice for failure to state a claim, and denied the temporary restraining order.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), an in forma pauperis action must be dismissed if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The pleading must allege facts plausibly establishing liability, with pro se pleadings construed liberally. A temporary restraining order is evaluated under the preliminary-injunction standard, requiring consideration of likelihood of success, irreparable harm, balance of equities, and the public interest.
PRECEDENTIAL VALUE	Unknown; unpublished district court order

TOPICS

motions to dismiss

civil procedure

injunctions

ada / disability

procedural due process

PRACTICE AREAS

civil procedure

disability discrimination

constitutional law

injunctive relief

in forma pauperis screening

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim under 28 U.S.C. § 1915(e)(2), including the asserted ADA, Rehabilitation Act, California Government Code section 11135, ADA retaliation, and due process claims.
2. Whether leave to amend should be granted after dismissal of the deficient complaint.
3. Whether plaintiff was entitled to a temporary restraining order.

HOLDINGS

1. The complaint failed to state a claim because it provided no factual allegations plausibly supporting any of its five causes of action.
2. Torres failed to state claims under Title II of the ADA, the Rehabilitation Act, California Government Code section 11135, or the ADA retaliation provision.
3. The complaint failed to state a substantive or procedural due process claim.
4. Leave to amend was denied because amendment would be futile, and the complaint was dismissed with prejudice.
5. The motion for a temporary restraining order was denied because the underlying complaint was dismissed for failure to state a claim.

KEY QUOTATIONS

“When the complaint has been filed by a pro se plaintiff, courts must “construe the pleadings liberally . . . to afford the petitioner the benefit of any doubt.”” (at 4)

“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” (at 5)

“Accordingly, although Plaintiff financially qualifies for IFP, Plaintiff’s complaint is DISMISSED WITH PREJUDICE for failure to state a claim on which relief may be granted” (at 7)

FACTUAL BACKGROUND

Torres sued the Employment Development Department, asserting claims under Title II of the Americans with Disabilities Act, the Rehabilitation Act, California Government Code section 11135, the ADA retaliation provision, and the Fourteenth Amendment. He alleged generally that the claims related to a whistleblower disclosure and requested disability accommodations, and sought declaratory and injunctive relief concerning

ADA-compliant procedures, certification, retaliation, record preservation, fees, and costs. The complaint contained only brief statements and did not provide factual allegations supporting the asserted causes of action.

PROCEDURAL HISTORY

On October 17, 2025, Julian Torres filed a complaint against the Employment Development Department and a motion for a temporary restraining order. He also applied to proceed in forma pauperis. The court granted the application, conducted statutory screening, dismissed the complaint with prejudice, denied the temporary restraining order, and ordered the clerk to terminate the case.

DISPOSITION

dismissed

CASES CITED

- *Lopez v. Smith*, 203 F.3d 1122, 1126–27 (9th Cir. 2000)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–57 (2007)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Franklin v. Murphy*, 745 F.2d 1221, 1235 n.9 (9th Cir. 1984)
- *New Motor Vehicle Bd. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 (1977)
- *Munaf v. Geren*, 553 U.S. 674, 689–90 (2008)
- *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)
- *Levitt v. Yelp! Inc.*, 765 F.3d 1123, 1135 (9th Cir. 2014)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Mendiondo v. Centinela Hosp. Med. Ctr.*, 521 F.3d 1097, 1104 (9th Cir. 2008)
- *Multnomah Cnty.*, 870 F.3d 939, 949 (9th Cir. 2017)
- *T.B. ex rel. Brenneise v. San Diego Unified Sch. Dist.*, 806 F.3d 451, 466 (9th Cir. 2015)
- *Martinez v. Cnty. of Alameda*, No. 20-cv-06570, 2025 WL 240767, at *19 (N.D. Cal. Jan. 17, 2025)
- *Merritt-Rojas v. Life Moves*, No. 23-cv-04383, 2023 WL 8190175, at *3 (N.D. Cal. Nov. 27, 2023)
- *Dominguez v. Bachofer*, No. 24-cv-02904, 2024 WL 5163946, at *2 (N.D. Cal. Dec. 16, 2024)
- *Pardi v. Kaiser Found. Hosps.*, 389 F.3d 840, 849 (9th Cir. 2004)
- *Witt v. Dep't of Air Force*, 527 F.3d 806, 817 (9th Cir. 2008)
- *Portman v. Cnty. of Santa Clara*, 995 F.2d 898, 904 (9th Cir. 1993)
- *Leadsinger, Inc. v. BMG Music Publ'g*, 512 F.3d 522, 532 (9th Cir. 2008)
- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Sohn v. California Hous. Fin. Agency*, No. 20-cv-03780, 2021 WL 3173301, at *6 (N.D. Cal. July 27, 2021)
- *Sermeno v. Tang*, No. 25-cv-06488, 2025 WL 2722659, at *6 (N.D. Cal. Sept. 5, 2025)
- *Feng v. Alta Bates Summit Med. Ctr.*, No. 25-cv-06598, 2025 WL 2899510, at *3 (N.D. Cal. Oct. 10, 2025)
- *Lawson v. Pacholke*, 830 F. App'x 976, 977 (9th Cir. 2020)

- Jurado v. Ramirez, No. 20-cv-08602, 2021 WL 3771783, at *3 (N.D. Cal. Aug. 24, 2021)

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