

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Angel Garcia v. Alcides Cervantes

19 F.4th 1202 · No. CV 25-5346-MWF(SSCx) · Decided June 20, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff to show cause why the court should exercise supplemental jurisdiction over claims under California’s Unruh Civil Rights Act and other state laws. The response must address the statutory damages sought and whether Plaintiff or counsel qualifies as a high-frequency litigant under California Code of Civil Procedure section 425.55, with a deadline of July 7, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 20, 2025
DOCKET	CV 25-5346-MWF(SSCx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause requiring Plaintiff to explain why the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and other state-law claims.
STANDARD OF REVIEW	The court independently examined subject matter jurisdiction, which may be raised sua sponte at any time during the pendency of an action.
PRECEDENTIAL VALUE	unpublished

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability

PRACTICE AREAS

- Federal civil procedure
- Subject matter jurisdiction
- Supplemental jurisdiction
- Americans with Disabilities Act
- California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the Unruh Civil Rights Act claim and other state-law claims.
2. Whether Plaintiff should be required to provide information concerning the amount of Unruh Act statutory damages sought and whether Plaintiff or counsel qualifies as a high-frequency litigant under California Code of Civil Procedure section 425.55.

HOLDINGS

1. A federal court may raise the question of subject matter jurisdiction sua sponte at any time during the pendency of an action.
2. The court may decline to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c), including where substantial federal-state comity concerns are presented by ADA-based Unruh Act claims.

KEY QUOTATIONS

“it is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action’”

FACTUAL BACKGROUND

The complaint alleged a violation of the Americans with Disabilities Act and sought injunctive relief. It also asserted a claim for damages under California’s Unruh Civil Rights Act and other state-law claims. The court identified supplemental jurisdiction under 28 U.S.C. § 1367(a) as the sole asserted basis for jurisdiction over the Unruh Act claim.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief, an Unruh Civil Rights Act claim for damages, and other state-law claims. The court sua sponte examined its subject matter jurisdiction and ordered Plaintiff to respond regarding the exercise of supplemental jurisdiction. The response was ordered by July 7, 2025, and the court warned that failure to respond could result in dismissal without prejudice or declination of supplemental jurisdiction.

DISPOSITION

other

CASES CITED

- Arroyo v. Rosas, 19 F.4th 1202, 1211–14 (9th Cir. 2021)
- Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012)
- Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2002)

OPINION

Angel Garcia v. Alcides Cervantes

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. CV 25-5346-MWF(SSCx) Date: June 20, 2025 Title Angel Garcia v. Alcides Cervantes, et al. Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SUPPLEMENTAL JURISDICTION

The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans With Disabilities Act (“ADA”), 42 U.S.C. §§ 12101-12213, a claim for damages pursuant to the Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code §§ 51–53, and other state law claims alleged by Plaintiff. The sole basis for jurisdiction over the Unruh Act claim is supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). The Court, however, may decline to exercise supplemental jurisdiction for the reasons delineated in § 1367(c). See also *Arroyo v. Rosas*, 19 F.4th 1202, 1211–14 (9th Cir. 2021) (holding district courts may decline supplemental jurisdiction over ADA-based Unruh Act claims because of “very substantial threat to federal-state comity” presented by plaintiffs’ use of federal courts to evade California’s Unruh Act reforms). This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction. *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action’” (quoting *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002))). Therefore, to assist this Court in its duty, Plaintiff is ORDERED to SHOW CAUSE in writing as to why this Court should exercise supplemental jurisdiction

CIVIL MINUTES – GENERAL

Case No. CV 25-5346-MWF(SSCx) Date: June 20, 2025 Title Angel Garcia v. Alcides Cervantes, et al. over the Unruh Act claim and the other state law claims alleged by Plaintiff. The Response to the Order to Show Cause shall include (1) the amount of statutory damages sought pursuant to the Unruh Act; and (2) sufficient facts for the Court to determine whether Plaintiff or Plaintiff’s counsel meet the definition of a “high- frequency litigant” as defined in California Code of Civil Procedure section 425.55(b)(1) & (2). These facts shall be set forth in declarations signed under penalty of perjury. The Response shall be filed on or before JULY 7, 2025. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court’s declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c). IT IS SO ORDERED.

