

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Joy Orji v. Walmart Superstores, Inc.

Orji v. Walmart Superstores, Inc., No. 2:23-cv-1795-TLN-SCR (E.D. Cal. Sept. 29, 2025) · No. 2:23-cv-1795-TLN-SCR · Decided September 30, 2025

SUMMARY

The United States District Court for the Eastern District of California reviewed objections to a magistrate judge’s findings and recommendations concerning dismissal of Joy Orji’s claims against Walmart Superstores, Inc. The court dismissed the false-imprisonment claim without leave to amend, but denied dismissal of claims under 42 U.S.C. § 1981 and California’s Unruh Civil Rights Act. The court also denied Walmart’s motion to strike and referred the matter back to the magistrate judge for further pretrial proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 30, 2025
DOCKET	2:23-cv-1795-TLN-SCR
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations on Defendant's motion to dismiss under 28 U.S.C. § 636(b)(1), after Plaintiff filed timely objections.
STANDARD OF REVIEW	The district court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo. For the Rule 12(b)(6) motion, the court accepted well-pleaded factual allegations as true, drew reasonable inferences in Plaintiff's favor, and required sufficient factual content to state a facially plausible claim.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court order

TOPICS

- motions to dismiss
- civil rights
- contracts
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff plausibly alleged that Walmart discriminated against her on the basis of race in the making, performance, modification, or enforcement of a contractual relationship under 42 U.S.C. § 1981.
2. Whether Plaintiff plausibly alleged intentional racial discrimination and denial of full and equal privileges or services under California's Unruh Civil Rights Act.
3. Whether Plaintiff stated a claim for false imprisonment.
4. Whether portions of Plaintiff's requested relief should be stricken.

HOLDINGS

1. Plaintiff plausibly stated a § 1981 claim by alleging that Walmart employees subjected her to racial discrimination while she was attempting to contract with Walmart. A retail customer need not allege that she was completely prevented from making a purchase when the alleged discrimination occurred during the formation, performance, modification, or enjoyment of the contractual relationship.
2. Plaintiff plausibly stated a claim for intentional racial discrimination under the Unruh Civil Rights Act. She was not required at the pleading stage to allege or prove that she was treated differently from a specific white customer, and the fact that she ultimately received the items did not preclude the claim.
3. Plaintiff failed to state a claim for false imprisonment.
4. The motion to strike was denied because striking Plaintiff's requests for relief was improper.

KEY QUOTATIONS

"To do so would lead to results that run contrary to the intent behind § 1981 — retail stores would be allowed to use racial epithets against a customer so long as the customer was allowed to complete their purchase."
(Order at 5)

"Plaintiff's contractual relationship was modified in violation of § 1981 when she was subjected to endure racial epithets." (Order at 6)

"While disparate impact allegations may support the element of intentional discrimination, such allegations are not required." (Order at 7)

FACTUAL BACKGROUND

Plaintiff, who alleged that she is Black and of African ancestry, attempted to leave a Walmart store after a cashier bagged items without charging her for all of them. Security personnel stopped her at the exit, and a supervisor allegedly became enraged when Plaintiff asked to pay without waiting in line and directed racial and national-origin epithets at her. A store manager later apologized, paid for the items, and gave them to Plaintiff for free. Plaintiff alleged that the incident constituted racial discrimination in violation of § 1981 and the Unruh Act, as well as false imprisonment.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint asserting claims under 42 U.S.C. § 1981, California's Unruh Civil Rights Act, and for false imprisonment. Defendant moved to dismiss all claims and to strike portions of the complaint. The magistrate judge recommended granting the motion to dismiss in full without leave to amend. On de novo review of the legal conclusions, the district court adopted the recommendations in part, denied dismissal of the § 1981 and Unruh Act claims, granted dismissal of the false-imprisonment claim without leave to amend, denied the motion to strike, and referred the matter back for further pretrial proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was referred back to the assigned magistrate judge for further pretrial proceedings consistent with the order.

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)
- Navarro v. Block, 250 F.3d 729, 732 (9th Cir. 2001)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512 (2002)
- Cruz v. Beto, 405 U.S. 319, 322 (1972)
- Retail Clerks International Ass'n v. Schermerhorn, 373 U.S. 746, 753 n.6 (1963)
- U.S. ex rel. Chunie v. Ringrose, 788 F.2d 638, 643 n.2 (9th Cir. 1986)
- Associated General Contractors of Cal., Inc. v. Cal. State Council of Carpenters, 459 U.S. 519, 526 (1983)
- Mir v. Little Co. of Mary Hosp., 844 F.2d 646, 649 (9th Cir. 1988)
- Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 998 (9th Cir. 2018)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000) (en banc)
- Doe v. United States, 58 F.3d 494, 497 (9th Cir. 1995)
- Runyon v. McCrary, 427 U.S. 160, 168 (1976)
- Patterson v. McLean Credit Union, 491 U.S. 164, 171 (1989)
- Rivers v. Roadway Express, Inc., 511 U.S. 298, 298 (1994)
- Allen v. U.S. Bancorp, 264 F. Supp. 2d 945, 947-50 (D. Or. 2003)
- Hammond v. Kmart Corp., 733 F.3d 360, 364 (1st Cir. 2002)
- Benzinger v. NYSARC, Inc. N.Y.C. Chapter, 385 F. Supp. 3d 224, 234 (S.D.N.Y. 2019)
- Clark v. Safeway, Inc., 478 F. Supp. 3d 1080, 1090-91 (D. Or. 2020)

- Rogers v. Elliott, 135 F. Supp. 2d 1312, 1315 (N.D. Ga. 2001)
- Munson v. Del Taco, Inc., 46 Cal. 4th 661, 665 (2009)
- Stamps v. Superior Court, 136 Cal. App. 4th 1441, 1452 (2006)
- Liapes v. Facebook, Inc., 95 Cal. App. 5th 910, 922, 926 (2023)
- Thomas v. Costco Wholesale Corp., No. 2:24-CV-00986-TLN-SCR, 2024 WL 5125813, at *3-*4 (E.D. Cal. Dec. 16, 2024)
- Bridges v. Kohl's Stores, Inc., No. 23-CV-00685-DAD-JDP, 2024 WL 4647621, at *3 (E.D. Cal. Oct. 31, 2024)

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