

DISTRICT COURT OF GUAM

Kristoffer Castro v. Government of Guam

Castro · No. 25-00024 · Decided June 16, 2026

SUMMARY

The District Court of Guam granted in part and denied in part the Government of Guam’s Rule 12(b) (1) motion to dismiss claims brought by Kristoffer Castro. The court held that sovereign immunity did not bar Castro’s Title VII retaliation and race-discrimination claims, but it dismissed his intentional infliction of emotional distress claim because Guam had not waived immunity for intentional torts. The court granted Castro 30 days to amend his complaint to clarify the discrimination claim and replace the intentional tort claim with negligent infliction of emotional distress.

CASE DETAILS

COURT	District Court of Guam
WRITING FOR THE COURT	Frances M. Tydingco-Gatewood
JURISDICTION	District Court of Guam
DECIDED	June 16, 2026
DOCKET	25-00024
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(1) to dismiss all three claims for lack of subject matter jurisdiction. The court granted the motion as to the intentional-infliction-of-emotional-distress claim, denied it as to the Title VII claims, and granted leave to amend.
STANDARD OF REVIEW	On a facial Rule 12(b)(1) challenge, the court accepts the complaint's allegations as true and draws all reasonable inferences in the plaintiff's favor. The plaintiff bears the burden of establishing subject matter jurisdiction.
PRECEDENTIAL VALUE	Unknown
PARTIES	Kristoffer Castro v. Government of Guam

TOPICS

- subject matter jurisdiction
- motions to dismiss
- motion to amend
- title vii
- racial discrimination

PRACTICE AREAS

employment law

civil rights

civil procedure

sovereign immunity

QUESTIONS PRESENTED

1. Whether the court had subject matter jurisdiction over Castro's Title VII retaliation claim despite Guam's sovereign immunity.
2. Whether the court had subject matter jurisdiction over Castro's race-discrimination claim under Title VII despite Guam's sovereign immunity.
3. Whether Guam's sovereign immunity barred Castro's intentional-infliction-of-emotional-distress claim.
4. Whether Castro should receive leave to amend the complaint to clarify his race-discrimination claim and replace the intentional tort claim with negligent infliction of emotional distress.

HOLDINGS

1. Congress abrogated state and territorial sovereign immunity for Title VII employment-discrimination claims through the 1972 amendments, so Guam's lack of a local waiver did not deprive the court of subject matter jurisdiction over Castro's retaliation claim.
2. The court had subject matter jurisdiction over Castro's race-discrimination claim because the complaint, read as a whole, alleged employment discrimination under Title VII, which abrogates Guam's sovereign immunity.
3. Guam's sovereign immunity barred Castro's intentional-infliction-of-emotional-distress claim because neither federal law nor Guam law waived or abrogated immunity for intentional torts.
4. Leave to amend was warranted because there was no undue delay, bad faith, repeated failure to cure, or undue prejudice, and amendment was not futile.

KEY QUOTATIONS

“When analyzing a facial attack to subject matter jurisdiction, the court must take “the plaintiff’s allegations as true” and weigh “all reasonable inferences in the plaintiff’s favor.”” (at 4)

“Title VII of the Civil Rights Act “abrogates states’ sovereign immunity.”” (at 5)

“The Guam Legislature has waived state sovereign immunity in negligent tort and not intentional tort actions.” (at 7)

FACTUAL BACKGROUND

Kristoffer Castro, an Asian and Filipino employee of the Guam Department of Agriculture, applied unsuccessfully for several positions beginning in 2017. He alleged that the Government of Guam denied him promotions because of race and national origin and retaliated after he raised discrimination concerns with the EEOC. He also alleged workplace harassment and asserted an intentional-infliction-of-emotional-distress claim.

PROCEDURAL HISTORY

Castro filed a complaint on May 23, 2025, asserting Title VII retaliation, race discrimination, and intentional infliction of emotional distress. The Government of Guam moved to dismiss for lack of subject matter jurisdiction. After considering the complaint and opposition without oral argument, the court partially granted and partially denied the motion and allowed Castro thirty days to amend.

DISPOSITION

other

CASES CITED

- J.P. v. United States, 679 F.Supp.3d 911, 920 (D. Ariz. 2023)
- Gabrielli v. Haleon US Inc., 815 F.Supp.3d 852, 862 (N.D. Cal. 2025)
- Friends of the River v. U.S. Army Corps of Engineers, 870 F.Supp.2d 966, 972 (E.D. Cal. 2012)
- Savage v. Glendale Union High Sch., 343 F.3d 1036, 1039 n.2 (9th Cir. 2003)
- Ellis v. J.P. Morgan Chase & Co., 950 F.Supp.2d 1062, 1072 (N.D. Cal. 2013)
- Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004)
- Lauria v. United States, 542 F.Supp.3d 926, 931 (D. Alaska 2021)
- San Agustin v. Mansapit-Shimizu, 2020 Guam 25, ¶ 14 (2020)
- Micomonaco v. State of Wash., 45 F.3d 316, 319 (9th Cir. 1995)
- Hans v. Louisiana, 134 U.S. 1 (1890)
- Marx v. Gov't of Guam, 866 F.2d 294, 298 (9th Cir. 1989)
- Clark v. Wash. State Dep't of Health, 735 F.Supp.3d 1334, 1345 (W.D. Wash. 2024)
- Bolden-Hardge v. Office of California State Controller, 63 F.4th 1215, 1221 (9th Cir. 2023)
- Fitzpatrick v. Bitzer, 427 U.S. 445, 449 n.2, 451-57 (1976)
- Wennihan v. AHCCCS, 515 F.Supp.2d 1040, 1044 (D. Ariz. 2007)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1051-52 (9th Cir. 2003)
- Owens v. Kaiser Found. Health Plan, Inc., 244 F.3d 708, 712 (9th Cir. 2001)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Hutchins v. HP Inc., 767 F.Supp.3d 912, 920 (N.D. Cal. 2025)
- Chang v. Cashman, 723 F.Supp.3d 772, 779 (N.D. Cal. 2024)

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