

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Escobedo v. Estrada

No. 1:25-cv-00949-SKO, Order to Show Cause (E.D. Cal. Aug. 5, 2025) · No. 1:25-cv-00949-SKO · Decided
August 6, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered Plaintiff Jose Escobedo to show cause why the court should not decline supplemental jurisdiction over his California state-law accessibility claims. The order relies on Ninth Circuit precedent concerning federal courts’ discretion under 28 U.S.C. § 1367(c) and California’s restrictions on construction-related accessibility claims by high-frequency litigants.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 6, 2025
DOCKET	1:25-cv-00949-SKO
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why it should not decline supplemental jurisdiction over Plaintiff's California state-law claims in an action asserting ADA, Unruh Act, and California Health and Safety Code claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 1367(c), the district court has discretion to decline to exercise supplemental jurisdiction, considering the circumstances of the case, the nature of the state-law claims, the character of the governing state law, and the relationship between the state and federal claims.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability
- public accommodations discrimination

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Americans with Disabilities Act

California disability-access litigation

QUESTIONS PRESENTED

1. Whether the court should decline to exercise supplemental jurisdiction over Plaintiff's California state-law claims because Plaintiff is a high-frequency litigant and permitting the claims to proceed in federal court could circumvent California's procedural restrictions.
2. Whether Plaintiff should be required to show cause why the state-law claims should not be dismissed without prejudice under 28 U.S.C. § 1367(c).

HOLDINGS

1. Even when supplemental jurisdiction exists under 28 U.S.C. § 1367(a), a district court may exercise its discretion under § 1367(c) to decline supplemental jurisdiction after considering the circumstances of the case, the nature of the state-law claims, the governing state law, and the relationship between the state and federal claims.
2. Because the record indicated that Plaintiff had filed at least ten complaints alleging construction-related accessibility violations within the preceding twelve months, Plaintiff was ordered to show cause within fourteen days why the court should not decline supplemental jurisdiction over his state-law claims.

KEY QUOTATIONS

“Depending on a host of factors including the circumstances of the particular case, the nature of the state law claims, the character of the governing state law, and the relationship between the state and federal claims”
(at 2)

“Plaintiff is ORDERED to show cause, in writing, within fourteen (14) days of service of this order, why the Court should not decline to exercise supplemental jurisdiction over Plaintiff’s state law claims.” (at 3)

FACTUAL BACKGROUND

Jose Escobedo alleged that he encountered construction-related accessibility barriers, including insufficient accessible parking and uneven paths of travel, at La Perla Tapatia Taqueria. He asserted claims under the Americans with Disabilities Act, California's Unruh Civil Rights Act, and California's Health and Safety Code. The court found that Escobedo had filed ten or more complaints alleging construction-related accessibility violations in the twelve months preceding this action.

PROCEDURAL HISTORY

Plaintiff filed the action in the Eastern District of California on August 1, 2025. After reviewing Plaintiff's prior cases, the court determined that he had filed at least ten complaints alleging construction-related accessibility violations during the preceding twelve months and ordered him to explain why the state-law claims should not be dismissed without prejudice.

DISPOSITION

other

CASES CITED

- Vo v. Choi, 49 F.4th 1167 (9th Cir. 2022)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)
- Gilbert v. Singh, No. 1:21cv1338-AWI-HBK, 2023 WL 2239335 (E.D. Cal. Feb. 27, 2023)
- City of Chicago v. International College of Surgeons, 522 U.S. 156 (1997)
- Jacobsen v. Mims, No. 1:13-cv-00256-SKO-HC, 2013 WL 1284242 (E.D. Cal. Mar. 28, 2013)
- Hells Canyon Preservation Council v. U.S. Forest Service, 403 F.3d 683 (9th Cir. 2005)
- Escobedo v. Carrillo, No. 1:25-cv-00479-KES-BAM, Doc. 6, at 2

OPINION

Escobedo v. Estrada

PER CURIAM.

1 2 3 4 5

6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8

JOSE ESCOBEDO,

9 Case No. 1:25-cv-00949-SKO Plaintiff, 10

ORDER TO SHOW CAUSE RE

v.

11 SUPPLEMENTAL JURISDICTION

12 BIANCA ESTRADA, doing business as La 14 DAY DEADLINE Perla Tapatia Taqueria, et al.,
13 Defendants. 14 15 On August 1, 2025, Plaintiff Jose Escobedo (“Plaintiff”) filed his complaint
against 16 Defendants Bianca Estrada, doing business as La Perla Tapatia Taqueria; Martin
Hernandez, doing 17 business as La Perla Tapatia Taqueria; Pritam S. Grewal; Manjeet K. Grewal;
and Dev S. Grewal, 18 alleging claims under the Americans with Disabilities Act (“ADA”),
California’s Unruh Civil 19 Rights Act (“Unruh Act”), and California’s Health and Safety Code.
(Doc. 1). These claims stem 20 from alleged barriers Plaintiff encountered (such as insufficient
accessible parking spots and uneven 21 paths of travel) while he visited “La Perla Tapatia
Taqueria,” a facility owned, operated, or leased 22 by Defendants. (See id.) 23 Based upon the
Ninth Circuit opinion in Vo v. Choi, the Court will order Plaintiff to show 24 cause why the Court
should not decline to exercise supplemental jurisdiction over Plaintiff’s state 25 law claims. See 28
U.S.C. § 1367(c); Vo v. Choi, 49 F.4th 1167 (9th Cir. 2022) (holding the district 26 court properly
declined to exercise supplemental jurisdiction in a joint Unruh Act and ADA case). 27 In the
Unruh Act, a state law cause of action expands the remedies available in a private 28 action.

California, in response to the resulting substantial volume of claims asserted under the Unruh Act and the concern that high-frequency litigants may be using the statute to obtain monetary relief for themselves without accompanying adjustments to locations to assure accessibility to others, enacted filing restrictions designed to address that concern. *Arroyo v. Rosas*, 19 F.4th 1202, 1211–12 (9th Cir. 2021). These heightened pleading requirements apply to actions alleging a “construction-related accessibility claim,” which California law defines as “any civil claim in a civil action with respect to a place of public accommodation, including but not limited to, a claim brought under Section 51, 54, 54.1, or 55, based wholly or in part on an alleged violation of any construction-related accessibility standard.” Cal. Civ. Code § 55.52(a)(1). The requirements apply to claims brought under the Unruh Act as well as to related claims under the California Health & Safety Code. See *Gilbert v. Singh*, No. 1:21cv1338-AWI-HBK, 2023 WL 2239335, *2 (E.D. Cal. Feb. 27, 2023). California imposes additional limitations on “high-frequency litigants,” defined as: A plaintiff who has filed 10 or more complaints alleging a construction-related accessibility violation within the 12-month period immediately preceding the filing of the current complaint alleging a construction-related accessibility violation. Cal. Civ. Proc. Code § 425.55(b)(1). The definition of “high-frequency litigant” also extends to attorneys. See Cal. Civ. Proc. Code § 425.55(b)(2). “High-frequency litigants” are subject to a special filing fee and further heightened pleading requirements. See Cal. Gov. Code § 70616.5; Cal. Civ. Proc. Code § 425.50(a)(4)(A). By enacting restrictions on the filing of construction-related accessibility claims, California has expressed a desire to limit the financial burdens California’s businesses may face for claims for statutory damages under the Unruh Act and the California Health & Safety Code. See *Arroyo*, 19 F.4th at 1206-07, 1212; *Gilbert*, 2023 WL 2239335, *2. The Ninth Circuit has also expressed “concerns about comity and fairness” by permitting plaintiffs to circumvent “California’s procedural requirements.” *Vo*, 49 F.4th at 1171. Plaintiffs who file these actions in federal court evade these limits and pursue state law damages in a manner inconsistent with the state law’s requirements. See generally, *Arroyo*, 19 F.4th at 1211–12; *Vo*, 49 F.4th at 25 1171–72. In an action in which a district court possesses original jurisdiction, that court “shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a). Even if supplemental jurisdiction exists, however, district courts have discretion to decline to exercise supplemental jurisdiction. 28 U.S.C. § 1367(c). Such discretion may be exercised “[d]epending on a host of factors” including “the circumstances of the particular case, the nature of the state law claims, the character of the governing state law, and the relationship between the state and federal claims.” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997). A review of Plaintiff Jose Escobedo’s prior cases from this District reveals that he has filed ten or more complaints alleging a construction-related accessibility violation within the twelve-month period immediately preceding the filing of the current complaint.¹ See Jacobsen

v. Mims,

11 No. 1:13-cv-00256-SKO-HC, 2013 WL 1284242, at *2 (E.D. Cal. Mar. 28, 2013) (“The Court may

12 take judicial notice of court records.”). 13 Accordingly, Plaintiff is ORDERED to show cause, in writing, within fourteen (14) days 14 of service of this order, why the Court should not decline to exercise supplemental jurisdiction 15 over Plaintiff’s state law claims. Plaintiff is warned that a failure to respond may result in a 16 recommendation to dismiss of the entire action without prejudice. Fed. R. Civ. P. 41(b) (stating that 17 dismissal is warranted “[i]f the plaintiff fails to . . . comply with . . . a court order”); see also *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005). An inadequate 19 response may result in a recommendation that supplemental jurisdiction over Plaintiff’s state law 20 claims be declined and that they be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c). 21 IT IS SO ORDERED. 22 23 Dated: August 5, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

24 25 26 27 1 Indeed, Plaintiff recently filed a response in another case on May 14, 2025, acknowledging that he would be considered a high-frequency litigant under California law. See *Escobedo v. Carrillo*, 1:25-cv-00479-KES-BAM (Doc. 6, p. 2: 28 “Plaintiff acknowledges that he would be considered a high-frequency litigant under California law as he filed more