

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Whitfield v. Saleh

No. 1:22-cv-00141-KES-CDB (E.D. Cal. June 6, 2025) · No. 1:22-cv-00141-KES-CDB · Decided June 6, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge regarding individual defendants’ unopposed motion to dismiss in an action involving alleged ADA violations and related California claims. The court recommends declining supplemental jurisdiction over the state-law claims against the individual defendants because they do not share a common nucleus of operative fact with the ADA claims. It further recommends dismissal of those claims without leave to amend and dismissal of the individual defendants from the action.

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	June 6, 2025
DOCKET	1:22-cv-00141-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on individual defendants' unopposed Rule 12(b)(6) motion to dismiss and plaintiff's motion for leave to amend.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 12(b)(6), the court accepts well-pleaded factual allegations as true and construes facts and reasonable inferences in favor of the nonmoving party, but need not accept conclusory allegations, unwarranted deductions, unreasonable inferences, or allegations contradicted by exhibits or matters subject to judicial notice. Pro se pleadings are construed liberally. Leave to amend is required only when the complaint can be saved by amendment.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Steven Whitfield v. Khalib Saleh, Kimberly Long, Darrell Long

TOPICS

motions to dismiss

subject matter jurisdiction

motion to amend

ada / disability

civil procedure

PRACTICE AREAS

civil procedure

civil rights

Americans with Disabilities Act

supplemental jurisdiction

torts

QUESTIONS PRESENTED

1. Whether the state-law vehicle-accident, premises-liability, negligence, res ipsa loquitur, and emotional-distress claims against Kimberly Long and Darrell Long share a common nucleus of operative fact with Whitfield's ADA claims such that supplemental jurisdiction exists under 28 U.S.C. § 1367(a).
2. Whether the complaint should be dismissed against the individual defendants for failure to state a claim.
3. Whether Whitfield should be granted leave to amend to add a defendant and cure the defects in his claims against the individual defendants.

HOLDINGS

1. The claims against Kimberly Long and Darrell Long do not share a common nucleus of operative fact with the ADA claims concerning alleged accessibility barriers at CaliMex Supermarket; therefore, the court recommended declining to exercise supplemental jurisdiction over those claims.
2. The proposed amendment would not cure the lack of a common nucleus of operative fact between the state-law claims against the individual defendants and the ADA claims; therefore, the court recommended dismissal without leave to amend.

KEY QUOTATIONS

“The sole evidentiary overlap alleged—the situs of accident—is not a sufficient basis to find that the state law personal injury claims arise from a common nucleus of operative fact of the purported ADA violations.”

(Discussion III.A.3)

“Plaintiff's claims against individual Defendants Kelly Long and Darrell Long (Doc. 1 at 12-13) (Counts 4, 5, 6, 7, and supplemental state law negligence claim) be DISMISSED without leave to amend and Defendants Kelly Long and Darrell Long be DISMISSED from this action.” (Conclusion and Recommendations)

FACTUAL BACKGROUND

Whitfield alleged that he has significant mobility limitations and encountered inaccessible restrooms and a lack of designated accessible parking at CaliMex Supermarket. He also alleged that he was involved in a February 5, 2021 automobile accident at or near the supermarket involving Kimberly Long's vehicle, with Darrell Long allegedly owning the vehicle. The complaint asserted ADA and related California disability claims against the supermarket's owner and lessee, and asserted vehicle-accident, premises-liability, negligence, res ipsa loquitur, and emotional-distress claims against the individual defendants.

PROCEDURAL HISTORY

Whitfield filed a pro se, in forma pauperis complaint asserting Title III ADA, California civil-rights, premises-liability, negligence, and emotional-distress claims. Kimberly Long and Darrell Long moved to dismiss. Whitfield did not oppose the motion and instead moved for leave to file an amended complaint. The magistrate judge recommended granting the motion to dismiss, dismissing the claims against the individual defendants without leave to amend, and dismissing those defendants from the action, subject to review by the assigned district judge after a 14-day objection period.

DISPOSITION

other

CASES CITED

- N. Star Int'l v. Ariz. Corp. Comm'n, 720 F.2d 578, 581 (9th Cir. 1983)
- Peck v. Hoff, 660 F.2d 371, 374 (8th Cir. 1981)
- Balistreri v. Pacifica Police Department, 901 F.2d 696, 699 (9th Cir. 1990)
- Robertson v. Dean Witter Reynolds, Inc., 749 F.2d 530, 533-34 (9th Cir. 1984)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Hebbe v. Pliler, 627 F.3d 338, 340 (9th Cir. 2010)
- Seven Arts Filmed Entertainment, Ltd. v. Content Media Corp. PLC, 733 F.3d 1251, 1254 (9th Cir. 2013)
- Daniels-Hall v. National Education Association, 629 F.3d 992, 998 (9th Cir. 2010)
- Boag v. MacDougall, 454 U.S. 364, 365 (1982)
- Hughes v. Rowe, 449 U.S. 5, 9 (1980)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Oliver v. Ralphs Grocery Co., 654 F.3d 903, 905 (9th Cir. 2011)
- Lentini v. California Center for the Arts, Escondido, 370 F.3d 837, 846 (9th Cir. 2004)
- Bahrampour v. Lampert, 356 F.3d 969, 978 (9th Cir. 2004)
- Carne v. Stanislaus County Animal Services Agency, 445 F. Supp. 3d 772, 774, 776 (E.D. Cal. 2020)
- Executive Software North America, Inc. v. U.S. District Court for the Central District of California, 24 F.3d 1545, 1556 (9th Cir. 1994)
- Acri v. Varian Associates, 114 F.3d 999, 1000 (9th Cir. 1997) (en banc)
- St. Paul Mercury Insurance Co. v. Del Webb California Corp., 2017 WL 7661491, at *3 (C.D. Cal. Nov. 7, 2017)
- Apparel Art International, Inc. v. Amertex Enterprises Ltd., 48 F.3d 576, 584 (1st Cir. 1995)
- Lei v. City of Lynden, 2014 WL 6611382, at *4 (W.D. Wash. Nov. 20, 2014)
- U.S. ex rel. Hill v. Teledyne, Inc., 103 F.3d 143, at *1 (9th Cir. 1996) (unpublished)
- NetApp, Inc. v. Nimble Storage, Inc., 41 F. Supp. 3d 816, 836 (N.D. Cal. 2014)
- Titan Global, LLC v. Organo Gold International, Inc., 2012 WL 6019285, at *11 (N.D. Cal. Dec. 2, 2012)
- Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000)

- Ismail v. County of Orange, 693 F. App'x 507, 511-12 (9th Cir. 2017)
- Rosati v. Igbinoso, 791 F.3d 1037, 1039 (9th Cir. 2015)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

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