

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Fernando Gastelum v. J.K.B. Brothers Inc.

Gastelum · No. 5:25-cv-02749-SSS-SSC · Decided November 20, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Fernando Gastelum’s action without prejudice for failure to comply with an order to show cause and related filing requirements. The court addressed whether Plaintiff and his counsel qualified as high-frequency litigants under California law but declined to resolve the statutory interpretation issue, concluding that exercising supplemental jurisdiction would conflict with the values identified in *United Mine Workers v. Gibbs*. The court also determined that dismissal under Federal Rule of Civil Procedure 41(b) was the appropriate sanction and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sunshine S. Sykes
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 20, 2025
DOCKET	5:25-cv-02749-SSS-SSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff filed an action asserting an ADA claim for injunctive relief and a California Unruh Civil Rights Act claim for damages. After ordering plaintiff and counsel to show cause and provide declarations addressing high-frequency-litigant status, the court dismissed the action without prejudice for failure to comply with the court's orders.
STANDARD OF REVIEW	The court applied the discretionary factors governing sua sponte dismissal for failure to prosecute or failure to comply with court orders.
PRECEDENTIAL VALUE	unpublished district-court order; nonprecedential
PARTIES	Fernando Gastelum v. J.K.B. Brothers Inc.

TOPICS

sanctions

civil procedure

statutory interpretation

ada / disability

PRACTICE AREAS

civil procedure

Americans with Disabilities Act

supplemental jurisdiction

California civil procedure

QUESTIONS PRESENTED

1. Whether the court should dismiss the action under Federal Rule of Civil Procedure 41(b) for failure to comply with court orders.
2. Whether the court was required to decide the novel question of how California's high-frequency-litigant statute applies to counsel before addressing supplemental jurisdiction over the Unruh Act claim.

HOLDINGS

1. The court may sua sponte dismiss an action for failure to prosecute or failure to comply with court orders, and dismissal without prejudice was the appropriate sanction because plaintiff and counsel repeatedly disregarded the court's orders despite notice of the requirements and consequences.
2. The court did not need to decide the novel statutory-interpretation question concerning whether an attorney must have represented ten different high-frequency-litigant plaintiffs, because deciding that question would conflict with the comity values underlying *United Mine Workers v. Gibbs*.

KEY QUOTATIONS

"Federal Rule of Civil Procedure 41(b) grants the Court authority to sua sponte dismiss actions for failure to prosecute or failure to comply with court orders."

"The Court need not explicitly weigh these factors, but has carefully considered them and finds that dismissal of the action is the only appropriate sanction."

"Accordingly, the Court DISMISSES Plaintiff's action without prejudice and DIRECTS the Clerk to close the case."

FACTUAL BACKGROUND

Plaintiff alleged an Americans with Disabilities Act violation and sought injunctive relief, along with damages under California's Unruh Civil Rights Act. The court ordered plaintiff and counsel to submit declarations addressing whether they qualified as high-frequency litigants under California law, but plaintiff failed to provide the required information and counsel's declaration did not adequately address the issue. The court also found that plaintiff and counsel had filed five virtually identical actions and failed to comply with similar orders in each.

PROCEDURAL HISTORY

Plaintiff filed the complaint on October 16, 2025. The court issued an order to show cause concerning supplemental jurisdiction over the Unruh Act claim and required declarations addressing the statutory high-frequency-litigant criteria. Plaintiff responded but did not submit the required declaration, and counsel submitted

a declaration that the court found inadequate. After considering plaintiff's repeated noncompliance in five substantially similar actions and the relevant dismissal factors, the court dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Reyn's Pasta Bella, LLC v. Visa USA Inc., 442 F.3d 741, 746 n.6
- Lee v. City of Los Angeles, 250 F.3d 668, 689
- United Mine Workers v. Gibbs, 383 U.S. 715, 726 (1966)
- Vo v. Choi, 49 F.4th 1167, 1173–74 (9th Cir.)
- Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal.)
- Ghazali v. Moran, 46 F.3d 52, 53–54 (9th Cir.)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir.)