

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Mario Mendoza v. Jose Enrique Pelayo, et al.

Mendoza · No. CV 25-11982-MWF(AJRx) · Decided December 22, 2025

SUMMARY

The court orders Plaintiff Mario Mendoza to show cause why it should exercise supplemental jurisdiction over claims under California's Unruh Civil Rights Act and other state laws. The response must address the amount of statutory damages sought and provide facts concerning whether Plaintiff or counsel qualifies as a high-frequency litigant under California law, with a filing deadline of January 5, 2026.

CASE DETAILS

|                       |                                                                                                                                                                                                                     |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                 |
| WRITING FOR THE COURT | Michael W. Fitzgerald                                                                                                                                                                                               |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                 |
| DECIDED               | December 22, 2025                                                                                                                                                                                                   |
| DOCKET                | CV 25-11982-MWF(AJRx)                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The district court issued an order to show cause requiring Plaintiff to explain why the court should exercise supplemental jurisdiction over claims under California's Unruh Civil Rights Act and other state laws. |
| PRECEDENTIAL VALUE    | unpublished interlocutory district-court order                                                                                                                                                                      |

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability
- civil rights

PRACTICE AREAS

- civil procedure
- disability rights
- supplemental jurisdiction

QUESTIONS PRESENTED

- Whether the district court should exercise supplemental jurisdiction over Plaintiff's Unruh Civil Rights Act claim and other state-law claims.

2. Whether Plaintiff must provide the amount of Unruh Act statutory damages sought and facts relevant to whether Plaintiff or Plaintiff's counsel qualifies as a high-frequency litigant.

## HOLDINGS

1. The district court may raise subject-matter-jurisdiction concerns sua sponte and ordered Plaintiff to show cause why the court should exercise supplemental jurisdiction over the Unruh Act and other state-law claims.
2. The court ordered Plaintiff to provide, in declarations signed under penalty of perjury, the amount of statutory damages sought under the Unruh Act and sufficient facts to determine whether Plaintiff or Plaintiff's counsel meets California's definition of a high-frequency litigant.

## KEY QUOTATIONS

*“a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action”* (at 1)

*“very substantial threat to federal-state comity”* (at 1)

## FACTUAL BACKGROUND

The complaint alleged an ADA violation and sought injunctive relief, along with damages under California's Unruh Civil Rights Act and other state-law relief. The court noted that supplemental jurisdiction under 28 U.S.C. § 1367(a) was the sole stated basis for jurisdiction over the Unruh Act claim. Because the claims implicated California's Unruh Act reforms and potential high-frequency-litigant issues, the court required additional information before deciding whether to exercise supplemental jurisdiction.

## PROCEDURAL HISTORY

Plaintiff filed a complaint asserting an ADA claim for injunctive relief, an Unruh Act damages claim, and other state-law claims. The court identified supplemental jurisdiction under 28 U.S.C. § 1367(a) as the sole stated basis for jurisdiction over the Unruh Act claim and, acting sua sponte, ordered Plaintiff to show cause why supplemental jurisdiction should be exercised. The court required a written response by January 5, 2026, warning that failure to respond could result in dismissal without prejudice or declining supplemental jurisdiction and dismissing the Unruh Act claim.

## DISPOSITION

other

## CASES CITED

- Arroyo v. Rosas, 19 F.4th 1202, 1211-14 (9th Cir. 2021)
- Nevada v. Bank of Am. Corp., 672 F.3d 661, 673 (9th Cir. 2012)
- Snell v. Cleveland, Inc., 316 F.3d 822, 826 (9th Cir. 2002)

## OPINION

CIVIL MINUTES – GENERAL Case No. CV 25-11982-MWF(AJRx) Date: December 22, 2025  
Title Mario Mendoza v. Jose Enrique Pelayo, et al. Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SUPPLEMENTAL JURISDICTION The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans With Disabilities Act (“ADA”), 42 U.S.C. §§ 12101-12213, a claim for damages pursuant to the Unruh Civil Rights Act (“Unruh Act”), Cal. Civ.

Code §§ 51–53, and other state law claims alleged by Plaintiff. The sole basis for jurisdiction over the Unruh Act claim is supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). The Court, however, may decline to exercise supplemental jurisdiction for the reasons delineated in § 1367(c). See also *Arroyo v. Rosas*, 19 F.4th 1202, 1211–14 (9th Cir. 2021) (holding district courts may decline supplemental jurisdiction over ADA-based Unruh Act claims because of “very substantial threat to federal-state comity” presented by plaintiffs’ use of federal courts to evade California’s Unruh Act reforms).

This Court has a sua sponte obligation to confirm that it has subject matter jurisdiction. *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, sua sponte, at any time during the pendency of the action....’” (quoting *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir.

2002))). Therefore, to assist this Court in its duty, Plaintiff is ORDERED to SHOW CAUSE in writing as to why this Court should exercise supplemental jurisdiction CIVIL MINUTES – GENERAL Case No. CV 25-11982-MWF(AJRx) Date: December 22, 2025 Title Mario Mendoza v. Jose Enrique Pelayo, et al. over the Unruh Act claim and the other state law claims alleged by Plaintiff.

The Response to the Order to Show Cause shall include (1) the amount of statutory damages sought pursuant to the Unruh Act; and (2) sufficient facts for the Court to determine whether Plaintiff or Plaintiff’s counsel meet the definition of a “high- frequency litigant” as defined in California Code of Civil Procedure section 425.55(b)(1) & (2). These facts shall be set forth in declarations signed under penalty of perjury.

The Response shall be filed on or before JANUARY 5, 2026. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the dismissal of the entire action without prejudice or the Court’s declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c).

IT IS SO ORDERED.

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