

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES—GENERAL**Case No. CV 20-10649-MWF (JEMx)****Date: April 26, 2021**Title: Brian Whitaker v. Prime Oil Management, L.L.C. et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District JudgeDeputy Clerk:
Rita SanchezCourt Reporter:
Not ReportedAttorneys Present for Plaintiff:
None PresentAttorneys Present for Defendants:
None Present**Proceedings (In Chambers):** ORDER DISMISSING ACTION FOR LACK OF SUBJECT-MATTER JURISDICTION AND DECLINING TO EXERCISE SUPPLEMENTAL JURISDICTION OVER STATE LAW CLAIM

On April 8, 2021, the Court issued an Order to Show Cause why Plaintiff's ADA claim for injunctive relief should not be dismissed for lack of subject-matter jurisdiction (the "OSC"). (Docket No. 24). Plaintiff was warned that failing to respond to the OSC on or before April 22, 2021, would result in the dismissal of this action without prejudice. (*Id.* at 8). To date, Plaintiff has not responded to the OSC.

Plaintiff lacks standing to pursue injunctive relief under the ADA because he has not demonstrated a real and immediate threat of repeated injury. Plaintiff's ADA claim is therefore **DISMISSED *without prejudice***.

Because the Court has dismissed the ADA claim, the only claim over which it has original jurisdiction, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law Unruh Act claim. *See Oliver v. Ralphs Grocery Co.*, 654 F.3d 903, 910 (9th Cir. 2011) (holding that the district court did not abuse its discretion in dismissing state law claims under the Unruh Act after losing jurisdiction over ADA claim).

Accordingly, the action is **DISMISSED *without prejudice***.

IT IS SO ORDERED.