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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,  
  
Plaintiff,  
  
v.  
  
HARKIRAT SINGH SAMRA dba BILL’S  
SPORT & BAIT SHOP, et al.,  
  
Defendants.

No. 1:22-cv-00552-ADA-BAM

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS DECLINING  
SUPPLEMENTAL JURISDICTION AND  
DISMISSING STATE LAW CLAIMS  
WITHOUT PREJUDICE

(ECF No. 25)

Plaintiff Darren Gilbert (“Plaintiff”) initiated this action on May 6, 2022, asserting claims for injunctive relief under the Americans with Disabilities Act of 1990 (“ADA”) and the California Health and Safety Code and claims for statutory damages under California’s Unruh Civil Rights Act (“Unruh Act”). (ECF No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 15, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending as follows: (1) the Court declines to exercise supplemental jurisdiction over Plaintiff’s Unruh Act claim, California Health and Safety Code claim, and any other state law construction-related accessibility claim; and (2) that Plaintiff’s Unruh Act claim, California Health and Safety Code claim, and any other state law construction-related accessibility claim be dismissed without prejudice, pursuant to 28 U.S.C. § 1367(c)(4). (ECF No. 25.) The findings and

1 recommendations contained notice that any objections thereto were to be filed within fourteen days  
2 after service. (*Id.* at 7.) No objections have been filed, and the time in which to do so has passed.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a  
4 *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the  
5 findings and recommendations are supported by the record and proper analysis. *See Vo v. Choi*, 49  
6 F.4th 1167, 1174 (9th Cir. 2022) (upholding a district court’s invocation of 28 U.S.C. § 1367(c)(4)  
7 to decline to exercise supplemental jurisdiction over accessibility related Unruh Act claims);  
8 *Gilbert v. Singh*, No. 1:21-cv-01338-AWI-HBK, 2023 WL 2239335, at \*2 (E.D. Cal. Feb. 27, 2023)  
9 (noting that a plaintiff’s claims under “Cal. Health & Safety Code §§ 19955 and 19959 are  
10 ‘construction-related accessibility claims’ that are subject to the same pleading and filing  
11 requirements as Plaintiff’s Unruh Act claim.”).

12 Accordingly,

- 13 1. The findings and recommendations issued on March 15, 2023, (ECF No. 25), are  
14 ADOPTED in full;
- 15 2. The Court declines to exercise supplemental jurisdiction over Plaintiff’s Unruh Act  
16 claim, California Health and Safety Code claim, and any other state law  
17 construction-related accessibility claim; and
- 18 3. Plaintiff’s Unruh Act claim, California Health and Safety Code claim, and any other  
19 state law construction-related accessibility claim are DISMISSED without  
20 prejudice, pursuant to 28 U.S.C. § 1367(c)(4).

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23 IT IS SO ORDERED.

24 Dated: June 6, 2023

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UNITED STATES DISTRICT JUDGE