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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

<p>JOSE TRUJILLO,                                  Plaintiff,                                  v.  HARBIR CHAUDHARY, individually and dba 99 Food Market &amp; Gasoline, et al.,                                  Defendants.</p>	<p>No. 1:22-cv-00969-ADA-SKO  ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DECLINING SUPPLEMENTAL JURISDICTION OVER STATE LAW CLAIMS AND DENYING MOTION FOR DEFAULT JUDGMENT WITHOUT PREJUDICE  (ECF Nos. 11, 16)</p>
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Plaintiff Jose Trujillo (“Plaintiff”) initiated this action on August 3, 2022, against Defendants Harbir Chaudhary and Ved Vati Chaudhary (aka Ved Vati Rana), both individually and doing business as 99 Food Market & Gasoline (“Defendants”), alleging claims under the American with Disabilities Act (“ADA”), California’s Unruh Civil Rights Act (“Unruh Act”), and California’s Health and Safety Code. (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 April 20, 2023, Plaintiff filed a motion for default judgment against all Defendants. (ECF No. 11.) Following an order to show cause, on May 10, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending that the Court decline to exercise supplemental jurisdiction over Plaintiff’s state law claims and that those claims be dismissed, without prejudice, pursuant to 28 U.S.C. § 1367(c)(4). (ECF No. 16.) The findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to

1 be filed within fourteen days after service. (*Id.* at 7.) No objections have been filed, and the time  
2 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.

6 Accordingly,

- 7 1. The findings and recommendations issued on May 10, 2023, (ECF No. 16), are  
8 ADOPTED in full;
- 9 2. Pursuant to 28 U.S.C. § 1367(c)(4) and *Vo v. Choi*, 49 F.4th 1167 (9th Cir. 2022),  
10 the Court DECLINES to exercise supplemental jurisdiction over Plaintiff's Unruh  
11 Act claim and Plaintiff's Cal. Health & Safety Codes §§ 19955 and 19959 claims;
- 12 3. Plaintiff's Unruh Act and Cal. Health & Safety Codes §§ 19955 and 19959 claims  
13 are DISMISSED, without prejudice, pursuant to 28 U.S.C. § 1367(c)(4);
- 14 4. Plaintiff's pending motion for default judgment, (ECF No. 11), is DENIED, without  
15 prejudice, subject to being renewed as to the remaining claim under the Americans  
16 with Disabilities Act; and
- 17 5. This matter is referred back to the Magistrate Judge for further proceedings.

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20 IT IS SO ORDERED.

21 Dated: July 13, 2023

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UNITED STATES DISTRICT JUDGE