

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 18 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ERIK ESTAVILLO,

Plaintiff - Appellant,

v.

DAVE CORTESE; COUNTRY CLUB  
VILLA APARTMENTS,

Defendants - Appellees.

No. 24-6910

D.C. No. 5:23-cv-04032-VKD

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Virginia Kay DeMarchi, Magistrate Judge, Presiding\*\*

Submitted March 16, 2026\*\*\*

Before: SILVERMAN, NGUYEN, and HURWITZ, Circuit Judges.

Erik Estavillo appeals pro se from the district court's judgment dismissing his action alleging violations of the Americans with Disabilities Act ("ADA"). We

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

\*\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Webb v. Trader Joe's Co.*, 999 F.3d 1196, 1201 (9th Cir. 2021) (dismissal by judgment on the pleadings under Fed. R. Civ. P. 12(c)); *Bishop Paiute Tribe v. Inyo County*, 863 F.3d 1144, 1151 (9th Cir. 2017) (dismissal based on mootness). We affirm.

The district court properly dismissed Estavillo's action as moot because Estavillo conceded he had moved and was no longer a resident of defendants' facility. *See Bayer v. Neiman Marcus Grp., Inc.*, 861 F.3d 853, 864 (9th Cir. 2017) ("A request for injunctive relief remains live only so long as there is some present harm left to enjoin." (internal quotations omitted)); *Wander v. Kaus*, 304 F.3d 856, 858 (9th Cir. 2002) (stating that "only injunctive relief is available for violations of Title III").

We reject as unsupported by the record Estavillo's contentions that the district court was biased against him.

**AFFIRMED.**