NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ASHISH JOBANPUTRA; MANISH THAKKAR; CLASSIC HOSPITALITY, LLC, Plaintiffs - Appellants, v. CITY OF ANDERSON; ANDERSON FIRE PROTECTION DISTRICT; BRAD HAWKINS; STEVEN ALLRED, Defendants - Appellees.	No. 25-352 D.C. No. 2:24-cv-01428-JAM-SCR MEMORANDUM[*]

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted October 30, 2026[**]
San Francisco, California

Before: BYBEE and SUNG, Circuit Judges, and LIN, District Judge.[***]

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

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

[***] The Honorable Rita F. Lin, United States District Judge for the Northern District of California, sitting by designation.

Ashish Jobanputra, Manish Thakkar, and Classic Hospitality, LLC appeal the district court's order dismissing their complaint and denying leave to amend. We have jurisdiction under 28 U.S.C. § 1291. We review a dismissal for failure to state a claim *de novo*. *Carlin v. DairyAmerica, Inc.*, 705 F.3d 856, 866 (9th Cir. 2013). We review a denial of leave to amend for abuse of discretion. *Klamath-Lake Pharm. Ass'n v. Klamath Med. Serv. Bureau*, 701 F.2d 1276, 1292 (9th Cir. 1983). We affirm the district court's order in its entirety.

This appeal arises out of the shuttering of a hotel owned by Classic Hospitality and managed by Jobanputra and Thakkar. As a threshold matter, Jobanputra and Thakkar have standing because they allege injuries distinct from those suffered by Classic Hospitality. Specifically, they allege that city officials targeted their hotel because of their national origin and that they suffered emotional distress and reputational damage as a result. Such injuries are personal to Jobanputra and Thakkar and not merely derivative of the harm suffered by the LLC. *See Gomez v. Alexian Bros. Hosp. of San Jose*, 698 F.2d 1019, 1021 (9th Cir. 1983) (holding employee had standing to sue hospital that refused to contract with employer because of employee's national origin); *RK Ventures, Inc. v. City of Seattle*, 307 F.3d 1045, 1057 (9th Cir. 2002) (holding "principal owners and shareholders" had standing to challenge discriminatory shuttering of nightclub).

The district court correctly concluded that Appellants' claims are time-

barred. Appellants contend that, under California law, their cause of action did not accrue until they began losing business as a result of the hotel closure. That is not the governing standard. "Although California law determines the *length* of the limitations period, federal law determines when a civil rights claim *accrues*." *Lukovsky v. City & Cnty. of San Francisco*, 535 F.3d 1044, 1048 (9th Cir. 2008). Under federal law, a claim of discrimination accrues when the discriminatory decision is made and the plaintiffs know or have reason to know of it. *RK Ventures*, 307 F.3d at 1058. Appellants offer no argument that the district court improperly applied this federal standard to the allegations of the complaint.

In their opposition to the motion to dismiss before the district court, Appellants requested that any dismissal be with leave to amend. A district court may deny leave to amend when amendment would be futile. *Zucco Partners, LLC v. Digimarc Corp*., 552 F.3d 981, 1007 (9th Cir. 2009). The district court did not abuse its discretion when considering Appellants' opposition brief arguments and concluding that those allegations would be insufficient to cure the defect and save their time-barred claims. *RK Ventures*, 307 F.3d at 1058. Appellants do not identify any reason why this analysis was incorrect, or any allegations they could add to overcome the operative complaint's concession that they learned the hotel would be shuttered more than two years before they filed suit.

AFFIRMED.