

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 12 2009

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

DEBRA NOVAK-SCOTT,

Plaintiff - Appellant,

v.

CITY OF PHOENIX,

Defendant - Appellee.

No. 08-16253

D.C. No. CV-05-3147-PHX-JAT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Argued and Submitted October 8, 2009
San Francisco, California

Before: RYMER and TASHIMA, Circuit Judges, and LEIGHTON,**
District Judge.

Debra Novak-Scott, a City of Phoenix employee, appeals the district court's
summary judgment dismissing her Title VII retaliation claim against the City of

* This disposition is not appropriate for publication and may not be cited to or
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The Honorable Ronald B. Leighton, United States District Judge for the
Western District of Washington, sitting by designation.

Phoenix. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm. We review a district court's grant of summary judgment *de novo*. *Head v. Glacier*, 413 F.3d 1053, 1058 (9th Cir. 2005).

The district court properly concluded that Ms. Novak-Scott failed to establish a prima facie case of retaliation. She did not suffer the type of significant harm that would dissuade a reasonable worker from making or supporting a charge of discrimination. *Burlington N. & Santa Fe Ry. Co. v. White*, 548 U.S. 53, 60 (2006). Accordingly, for the reasons stated by the district court, summary judgment was properly granted for the City of Phoenix.

AFFIRMED.