

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 15 2009

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

NALLIAH RAJAH,

Plaintiff - Appellant,

v.

COUNTY OF CLARK,

Defendant - Appellee.

No. 08-17480

D.C. No. 2:04-cv-01153-BES-RJJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Brian E. Sandoval, District Judge, Presiding

Submitted December 11, 2009**
San Francisco, California

Before: O'SCANNLAIN, RAWLINSON and BEA, Circuit Judges.

Nalliah Rajah (Rajah) appeals the district court's grant of attorney's fees to
County of Clark (Clark County).

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

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

Reviewing the attorney's fees award for abuse of discretion, *see McCown v. City of Fontana*, 565 F.3d 1097, 1101 (9th Cir. 2009), *as amended*, we conclude that the district court applied the correct legal standard and the factual findings support its conclusion that Rajah's claims were without foundation.

In an earlier decision, this court affirmed the district court's grant of summary judgment in favor of Clark County on Rajah's claims of race and age-based discrimination, retaliation, violation of 42 U.S.C. § 1983, and various state law claims. *See Rajah v. County of Clark*, 313 Fed. Appx. 8 (9th Cir. 2008) (unpublished memorandum disposition). Subsequently the district court, citing the proper legal standard and reviewing the magistrate judge's report and the parties' filings, awarded attorney's fees to the County. *See Order, Rajah v. County of Clark*, No. 2:04-cv-01153-BES-RJJ (D. Nev. Oct. 1, 2008). No abuse of discretion occurred. *See Tutor-Saliba Corp. v. City of Hailey*, 452 F.3d 1055, 1060 (9th Cir. 2006) (concluding that the district court did not abuse its discretion where it "was aware of the proper legal standard" and carefully evaluated each claim to determine "whether there was any colorable legal or factual basis for each claim").

AFFIRMED.