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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RONALD HENDERSON, aka Ronnie Henderson,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>ALEXANDER & BALDWIN, INC., dba Hawaiian Commercial & Sugar Company; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 08-15340

D.C. No. CV-07-00101-DAE

MEMORANDUM *

Appeal from the United States District Court
for the District of Hawaii
David A. Ezra, District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

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

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

Ronald Henderson appeals pro se from the district court's summary judgment in favor of his former employer in his action alleging race discrimination, harassment, and retaliation in violation of Title VII. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's grant of summary judgment, *Vasquez v. County of Los Angeles*, 349 F.3d 634, 639 (9th Cir. 2003), and we affirm.

The district court properly granted summary judgment on the discrimination and retaliation claims because Henderson failed to show that his employer's proffered reasons for terminating him were pretextual. *See id.* at 640-42, 646. Similarly, the district court properly granted summary judgment on the harassment claim because Henderson failed to show that he was subjected to conduct severe or pervasive enough to create a hostile work environment. *See id.* at 642-44.

We decline to consider other issues because Henderson did not adequately argue them in his opening brief. *See Miller v. Fairchild Indus., Inc.*, 797 F.2d 727, 738 (9th Cir. 1986) ("The Court of Appeals will not ordinarily consider matters on appeal that are not specifically and distinctly argued in appellant's opening brief.").

AFFIRMED.