

MAY 18 2010

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANASTASIA MAXWELL,

Plaintiff - Appellant,

v.

CITY AND COUNTY OF SAN
FRANCISCO,

Defendant - Appellee.

No. 09-15720

D.C. No. 4:07-cv-05598-CW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Claudia Wilken, District Judge, Presiding

Argued and Submitted April 14, 2010
San Francisco, California

Before: **KOZINSKI**, Chief Judge, **CALLAHAN**, Circuit Judge and
MARTINEZ, District Judge.**

Plaintiff has not shown that the legitimate, nondiscriminatory reasons
defendant has offered for any actions it took against her are a pretext for

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

** The Honorable Ricardo S. Martinez, United States District Judge for
the Western District of Washington, sitting by designation.

discrimination. See, e.g., Surrell v. Cal. Water Serv. Co., 518 F.3d 1097, 1105–07 (9th Cir. 2008); Bradley v. Harcourt, Brace & Co., 104 F.3d 267, 269–71 (9th Cir. 1996). Nor has plaintiff shown that defendant took an adverse action against her because she engaged in protected activity. See, e.g., Surrell, 518 F.3d at 1107–08. And, none of the conduct plaintiff alleges occurred was sufficiently severe or pervasive to alter the conditions of her employment and create an abusive work environment. See, e.g., Manatt v. Bank of Am., N.A., 339 F.3d 792, 798, 800–01 (9th Cir. 2003); Kortan v. Cal. Youth Auth., 217 F.3d 1104, 1110–11 (9th Cir. 2000).

AFFIRMED.