

OCT 06 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PHIL PLEASANT, JR.,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DICK ZAIS and CITY OF YAKIMA,</p> <p>Defendants - Appellees.</p>
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No. 08-35958

D.C. No. 2:07-cv-03080-LRS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Lonny R. Suko, Chief Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Phil Pleasant, Jr., appeals pro se from the district court’s summary judgment in his 42 U.S.C. §§ 1981 and 1983 action alleging racial discrimination. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Lindsey v. SLT Los Angeles, LLC*, 447 F.3d 1138, 1144 (9th Cir. 2006). We affirm.

* 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).

The district court properly granted summary judgment for defendants because it is undisputed that Pleasant, an independent contractor, did not complete the project that he was hired to perform, and he failed to present evidence showing that the City's hiring of another contractor to complete the work was based on racial discrimination. *See id.* (plaintiff must satisfy the initial burden of establishing a prima facie case of racial discrimination). Accordingly, Pleasant failed to raise a genuine issue of material fact as to whether defendants discriminated against him based on race.

Pleasant's remaining contentions are unpersuasive.

AFFIRMED.