

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 18 2011

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

DYRETHA HAMBRIGHT,

Plaintiff - Appellant,

v.

JOHN E. POTTER, Postmaster General,

Defendant - Appellee.

No. 10-15694

D.C. No. 2:08-cv-00351-SRB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Argued and Submitted May 12, 2011
San Francisco, California

Before: B. FLETCHER and THOMAS, Circuit Judges, and ROSENTHAL,
District Judge.**

Plaintiff Dyretha (Dicy) Hambright (“Hambright”) appeals from the district
court’s entry of summary judgment in favor of her employer, the United States

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

** The Honorable Lee H. Rosenthal, District Judge for the U.S. District
Court for Southern Texas, Houston, sitting by designation.

Postal Service (“USPS”). We affirm. Because the parties are familiar with the factual and procedural history of the case, we need not recount it here.

The district court properly entered summary judgment in favor of the USPS on Hambright’s claims of retaliation and race discrimination under Title VII. Even if we assume, *arguendo*, that Hambright made a prima facie case of retaliation, she has not offered “specific” and “substantial” circumstantial evidence raising a triable issue of fact as to whether the Postal Service’s legitimate reason for its actions is a pretext for a retaliatory motive. *See Nillson v. City of Mesa*, 503 F.3d 947, 954-55 (9th Cir. 2007). Hambright failed to make a prima facie case of race discrimination because her proposed comparators are not “similarly situated” employees. *See Moran v. Selig*, 447 F.3d 748, 755 (9th Cir. 2006).

AFFIRMED.