

AUG 16 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBIN POTERA-HASKINS,

Plaintiff - Appellant,

v.

GEOFFREY GAMBLE; ALLEN
YARNELL; PETER FIELDS; DAN
DAVIES; BOZEMAN, MSU,

Defendants - Appellees.

No. 10-35778

D.C. No. 2:05-cv-00022-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Argued and Submitted August 5, 2011
Seattle, Washington

Before: SCHROEDER and NOONAN, Circuit Judges, and SNOW, District
Judge.**

Robin Potera-Haskins (“Potera-Haskins”) appeals the district court’s denial
of a jury trial on her claim under Title IX of the Education Amendments of 1972,

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

** The Honorable G. Murray Snow, District Judge for the U.S. District
Court for Arizona, Phoenix, sitting by designation.

20 U.S.C. § 1681, and its grant of summary judgment on her 42 U.S.C. § 1983 First Amendment retaliation claim. We have jurisdiction under 28 U.S.C. § 1291 and we affirm.

Potera-Haskins was not entitled to a jury trial on her Title IX claim. With respect to monetary relief, she could recover no more than the liquidated damages she received, and a bench trial was therefore appropriate. *See Smith v. Barton*, 914 F.2d 1330, 1337 (9th Cir. 1990).

The district court properly granted summary judgment on Potera-Haskins' First Amendment retaliation claim because her statements were made pursuant to her official duties. *See Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006).

AFFIRMED.