

AUG 17 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHN ROBERDS; LERRY N ROBERDS,</p> <p style="text-align: center;">Plaintiffs - Appellants,</p> <p style="text-align: center;">v.</p> <p>COUNTY OF COCONINO, an Arizona municipal Corporation,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 10-15282

D.C. No. 3:09-cv-08029-DGC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David G. Campbell, District Judge, Presiding

Submitted August 11, 2011**

Before: THOMAS, SILVERMAN, and CLIFTON, Circuit Judges.

John and Lerryn Roberds appeal from the district court’s summary judgment in their action alleging various employment claims under the Americans with Disabilities Act (“ADA”) and the Age Discrimination in Employment Act

* 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).

(“ADEA”). We have jurisdiction under 28 U.S.C. § 1291. We review *de novo*, *Huseman v. Icicle Seafoods, Inc.*, 471 F.3d 1116, 1120 (9th Cir. 2006), and we affirm.

The district court properly granted summary judgment for defendant because the last alleged unlawful employment practice occurred on January 19, 2007, and the charge of discrimination was not filed within 300 days of that date. *See* 29 U.S.C. § 626(d)(1)(B); 42 U.S.C. §§ 2000e-5(e), 12117(a); *Nat’l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 109, 112-13, 117 (2002) (charge of discrimination filed with state agency must be filed within 300 days after the alleged unlawful employment practice). The district court properly concluded that equitable tolling did not apply. *See Leong v. Potter*, 347 F.3d 1117, 1123 (9th Cir. 2003) (discussing equitable tolling).

We decline to consider the Roberds’ contentions raised for the first time on appeal. *See Travelers Prop. Cas. Co. of Am. v. ConocoPhillips Co.*, 546 F.3d 1142, 1146 (9th Cir. 2008).

AFFIRMED.