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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARK A. SALLENG,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>OREGON STATE UNIVERSITY; et al.,</p> <p>Defendants - Appellees.</p>
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No. 10-35787

D.C. No. 6:10-cv-06073-HO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael R. Hogan, District Judge, Presiding

Submitted October 25, 2011**

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

Mark A. Salleng appeals from the district court’s judgment dismissing his employment action against Oregon State University and some of its employees.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Leong v.*

Potter, 347 F.3d 117, 1121 (9th Cir. 2003). 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 dismissed Salleng’s retaliation claim relating to his participation in *Brown v. Oregon State University*, for failure to exhaust because that claim was not “like or reasonably related to” the allegations in Salleng’s administrative charges, nor did it fall “within the scope of an [agency] investigation that reasonably could be expected to grow out of the allegations.” *Id.* at 1122 (setting forth standard for exhausted claims) (citation omitted).

We do not consider Salleng’s remaining claims. *See Cook v. Schriro*, 538 F.3d 1000, 1014 n. 5 (9th Cir. 2008) (claims not raised on appeal are deemed abandoned).

AFFIRMED.