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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CLAUDE K. RICHARDSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>JOHN E. POTTER, Postmaster, United States Postal Service,</p> <p>Defendant - Appellee.</p>
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No. 10-56089

D.C. No. 2:08-cv-07491-JHN-RC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Jacqueline H. Nguyen, District Judge, Presiding

Argued and Submitted February 8, 2012
Pasadena, California

Before: D.W. NELSON, O’SANNLAIN, and N.R. SMITH, Circuit Judges.

Claude Richardson appeals the grant of summary judgment to the Postmaster General on Richardson’s claims of disability discrimination and retaliation. Richardson has failed to state a prima facie case of disability discrimination pursuant to the Rehabilitation Act. *Walton v. U.S. Marshals Serv.*,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

492 F.3d 998, 1005 (9th Cir. 2007) (amended). Specifically, Richardson has not put forth a triable issue of material fact that he is disabled within the meaning of the Rehabilitation Act. *Thompson v. Holy Family Hosp.*, 121 F.3d 537, 539–40 (9th Cir. 1997) (per curiam); *see also Zukle v. Regents of Univ. of Cal.*, 166 F.3d 1041, 1045 n.11 (9th Cir. 1999) (noting that the standards that apply to the Americans with Disabilities Act apply to the Rehabilitation Act and vice versa).

Richardson also has not pointed to triable issues of material fact to support a prima facie showing of retaliation. *Ray v. Henderson*, 217 F.3d 1234, 1240 (9th Cir. 2000). Specifically, Richardson has not put forth a triable issue of material fact that he engaged in a protected activity during the relevant time period. *See Passantino v. Johnson & Johnson Consumer Prods.*, 212 F.3d 493, 506 (9th Cir. 2000). Further, even assuming he did engage in a protected activity, he has not presented a causal link between the protected activity and adverse action. *Id.* at 507. The district court properly granted summary judgment to the Postmaster General.

AFFIRMED.