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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHN NICHOLS, AKA Jack Nichols,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>COUNTY OF SACRAMENTO; et al.,</p> <p>Defendants - Appellees.</p>
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No. 10-16241

D.C. No. 2:07-cv-02759-GEB-  
EFB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Garland E. Burrell, Jr., District Judge, Presiding

Submitted February 21, 2012\*\*

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

John Nichols, aka Jack Nichols, appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging that defendants retaliated against him for reporting corruption in the County of Sacramento

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\* 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).

Building Inspection Unit. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Huppert v. City of Pittsburg*, 574 F.3d 696, 701 (9th Cir. 2009), and we affirm.

The district court properly granted summary judgment on Nichols’s First Amendment claim because Nichols failed to raise a genuine dispute of material fact as to whether his protected speech was a substantial or motivating factor in his termination. *See id.* at 702.

The district court properly granted summary judgment on Nichols’s claim of retaliation for whistleblowing, in violation of California Labor Code section 1102.5, because Nichols failed to raise a genuine dispute of material fact as to whether there was a “causal link” between his protected activity and termination. *Patten v. Grant Joint Union High Sch. Dist.*, 37 Cal. Rptr. 3d 113, 117 (Ct. App. 2005).

Nichols’s remaining contentions, including that the district court did not consider the evidence he submitted, are unpersuasive.

**AFFIRMED.**