

APR 26 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PATRICIA ELIZABETH NOSIE,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>ASSOCIATION OF FLIGHT ATTENDANTS-CWA, AFL-CIO,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 10-17871

D.C. No. 1:10-cv-00062-ACK-
LEK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Alan C. Kay, District Judge, Presiding

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Patricia Elizabeth Nosie appeals pro se from the district court’s judgment dismissing her action alleging discrimination and violation of the duty of fair representation by her former union. We have jurisdiction under 28 U.S.C. § 1291.

* 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).

We review de novo, *Cholla Ready Mix, Inc. v. Civish*, 382 F.3d 969, 973 (9th Cir. 2004), and we affirm.

The district court properly dismissed Nosie's discrimination claims because Nosie failed to allege facts sufficient to show that she "was singled out and treated less favorably than others similarly situated on account of" her sex, race, color or age. *Beck v. United Food & Commercial Workers Union, Local 99*, 506 F.3d 874, 882 (9th Cir. 2007) (citation and internal quotation marks omitted) (setting forth prima facie case for a Title VII discrimination claim against a union); *see also Shelley v. Geren*, 666 F.3d 599, 607-08 (9th Cir. 2012) (applying Title VII analysis to claims under the Age Discrimination in Employment Act).

The district court properly dismissed Nosie's fair representation claims as time-barred because Nosie did not file her action within six months of learning that her former union would pursue her grievance no further. *See Stallcop v. Kaiser Found. Hosps.*, 820 F.2d 1044, 1049 (9th Cir. 1987) (plaintiff's fair representation claim was time-barred because she did not file her action within six months of receiving the union's letter notifying her it would pursue her grievance no further); *Kelly v. Burlington N. R.R. Co.*, 896 F.2d 1194, 1197 (9th Cir. 1990) (six-month statute of limitations applies to fair representation claims brought against unions covered by the Railway Labor Act).

Nosie's remaining contentions are unpersuasive.

AFFIRMED.