

OCT 09 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KATIE CLIFFORD,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DTG OPERATIONS, INC.,</p> <p>Defendant - Appellee.</p>
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No. 11-15663

D.C. No. 2:09-cv-01848-LRH-LRL

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Argued and Submitted September 11, 2012
Las Vegas, Nevada

Before: RAWLINSON, BYBEE, and ARNOLD**, Circuit Judges.

Appellant Katie Clifford (Clifford) appeals the district court’s grant of summary judgment in favor of her former employer, appellee DTG Operations,

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Morris S. Arnold, Senior Circuit Judge for the Eighth Circuit, sitting by designation.

Inc., on her claim of employment discrimination. We have jurisdiction pursuant to 28 U.S.C. § 1291 and we affirm.

Because the record does not contain evidence demonstrating pretext, Clifford cannot establish a genuine issue of material fact regarding whether her termination was unlawful. *See Hawn v. Exec. Jet Mgmt., Inc.*, 615 F.3d 1151, 1155 (9th Cir. 2010); *see also Vasquez v. Cnty. of Los Angeles*, 349 F.3d 634, 641 (9th Cir. 2004), *as amended*. The inferences Clifford urged us to make do not “have roots in the evidence. . . .” *Mueller v. Auker*, No. 11-35351, - - - F.3d - - -, 2012 WL 3892960 at *8 (9th Cir. Sept. 10, 2012).

AFFIRMED.