

OCT 09 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHAROL MCDADE,

Plaintiff - Appellant,

v.

NATIONAL AMERICAN INDIAN  
HOUSING COUNCIL,

Defendant - Appellee.

No. 11-15913

D.C. No. 3:09-cv-00225-LRH-  
VPC

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.

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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 Honorable Morris S. Arnold, United States Senior Circuit Judge for the Eighth Circuit, sitting by designation.

Appellant Sharol McDade appeals the district court's grant of summary judgment in favor of the National American Indian Housing Council (NAIHC). We have jurisdiction pursuant to 18 U.S.C. § 1291, and now affirm.

McDade did not offer sufficient evidence to contradict the April NAIHC Board Meeting minutes showing that NAIHC was considering relocating McDade's position from Reno, Nevada to Washington, D.C before McDade disclosed her pregnancy. Thus, McDade failed to present sufficient evidence to raise a factual dispute as to whether NAIHC had a discriminatory motive in relocating McDade's position. *See Vasquez v. Cnty. of Los Angeles*, 349 F.3d 634, 642 (9th Cir. 2004), *as amended* (“[A] plaintiff must put forward specific and substantial evidence challenging the credibility of the employer's motives.”) (footnote reference omitted).

**AFFIRMED.**