

FEB 14 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MONICA WILLIAMS-HARVEST,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>WAL-MART STORES, INC., DBA Wal-Mart Supercenter Store No. 2592,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 11-17324

D.C. No. 2:10-cv-01956-JCM-RJJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

Submitted February 11, 2013**

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

Monica Williams-Harvest appeals pro se from the district court’s summary judgment for defendant Wal-Mart Stores, Inc. (“Wal-Mart”) in her diversity action arising from a slip and fall at a North Las Vegas supermarket. We have

* 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).

jurisdiction under 28 U.S.C. § 1291. We review de novo, and may affirm on any basis supported by the record. *Video Software Dealers Ass'n v. Schwarzenegger*, 556 F.3d 950, 956 (9th Cir. 2009). We affirm.

Summary judgment for Wal-Mart was proper because Williams-Harvest failed to raise a genuine dispute of material fact as to whether Wal-Mart Store No. 2592 had actual or constructive notice of a slippery area of the floor, *see Sprague v. Lucky Stores, Inc.*, 849 P.2d 320, 322-23 (Nev. 1993) (per curiam), or whether the area where she fell was so foreseeably dangerous that Wal-Mart's regular safety sweeps were insufficient, *see FGA, Inc. v. Giglio*, 278 P.3d 490, 496-97 (Nev. 2012).

AFFIRMED.