

JUN 17 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ADRIENE J. SESSA, pro se,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>WILD HORSE PASS HOTEL & CASINO, a Gila River Group Enterprise,</p> <p>Defendant - Appellee.</p>

No. 12-17636

D.C. No. 2:12-cv-00796-MHB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Michelle H. Burns, Magistrate Judge, Presiding**

Submitted June 10, 2013***

Before: HAWKINS, McKEOWN, and BERZON, Circuit Judges.

Aдриене J. Sessa appeals pro se from the district court’s judgment dismissing her employment discrimination action for failure to prosecute. We have

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

** The parties consented to proceed before a magistrate judge. See 28 U.S.C. § 636(c).

*** 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 may affirm on any ground supported by the record. *Van Asdale v. Int'l Game Tech.*, 577 F.3d 989, 994 (9th Cir. 2009).

We affirm.

Dismissal of Sessa's action was proper because it was barred by tribal sovereign immunity. *See Allen v. Gold Country Casino*, 464 F.3d 1044, 1047 (9th Cir. 2006) (holding that tribal sovereign immunity bars an action brought against a tribal owned and operated casino).

Sessa's request to strike defendant's letter to this court, filed on April 15, 2013, and motion for appointment of counsel, filed on May 16, 2013, are denied.

AFFIRMED.