

APR 14 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BARBARA STUART ROBINSON,

Plaintiff - Appellant,

v.

TACOMA COMMUNITY COLLEGE,

Defendant - Appellee.

No. 12-35954

D.C. No. 3:12-cv-05614-BHS

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Benjamin H. Settle, District Judge, Presiding

Submitted April 7, 2014**

Before: TASHIMA, GRABER, and IKUTA, Circuit Judges.

Barbara Stuart Robinson appeals pro se from the district court's summary judgment in her discrimination action under Title II of the Americans with Disabilities Act ("ADA") and the Washington Law Against Discrimination

* 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).

(“WALD”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Wong v. Regents of Univ. of Cal.*, 192 F.3d 807, 817 (9th Cir. 1999). We affirm.

The district court properly granted summary judgment because Robinson failed to raise a genuine dispute of material fact as to whether she was qualified for re-enrollment to the college, and whether she was denied re-enrollment because of her disability. *See E.R.K. v. Haw. Dep’t of Educ.*, 728 F.3d 982, 992 (9th Cir. 2013) (listing the elements of a prima facie case of discrimination under Title II of the ADA and explaining the burden of persuasion on the “otherwise qualified” element); *Wong*, 192 F.3d at 822 (discussing the definition of “qualified”); *see also Wash. State Comm’n Access Project v. Regal Cinemas, Inc.*, 293 P.3d 413, 421-22 (Wash. Ct. App. 2013) (elements of prima facie case of discrimination under the WLAD).

We reject Robinson’s contentions concerning judicial bias, set forth in her September 11, 2013 notice, as unsupported by the record.

Tacoma Community College’s motion for judicial notice, filed on April 26, 2013, is granted.

Robinson’s motion for judgment, filed on July 12, 2013, is denied.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

AFFIRMED.