

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 21 2015

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

LORENA FEE, an individual,

Plaintiff - Appellant,

v.

MANAGEMENT & TRAINING
CORPORATION, a foreign corporation,

Defendant - Appellee.

No. 13-15703

D.C. No. 3:12-cv-00302-RCJ-VPC

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Submitted August 20, 2015**
San Francisco, California

Before: CLIFTON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Lorena Fee appeals from the district court's judgment dismissing her action alleging a violation of the Americans with Disabilities Act, 42 U.S.C. §§ 12101, et seq. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district

* 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).

court's dismissal under Federal Rule of Civil Procedure 12(b)(6), *Knieval v. ESPN*, 393 F.3d 1068, 1072 (9th Cir. 2005). We affirm the district court's order.

The district court properly dismissed Fee's action because the facts that Fee alleged are conclusory and do not show that her eczema substantially limits her in a major life activity. *See* 42 U.S.C. § 12102(1) (defining "disability"); 29 C.F.R. § 1630.2(i)(1)(ii) (defining "major life activities," to include the "operation of a major bodily function"); *see also Weaving v. City of Hillsboro*, 763 F.3d 1106, 1111 (9th Cir. 2014) (a disability is a physical or mental impairment that substantially limits one or more major life activities of the individual who claims the disability). The second amended complaint did not include allegations of fact that Fee's condition prevents her skin from functioning.

AFFIRMED.