

JAN 28 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEMUEL C. BRAY,

Plaintiff - Appellant,

v.

BANK OF AMERICA MORTGAGE,
Murrieta Office,

Defendant - Appellee.

No. 13-55885

D.C. No. 5:12-cv-01842-TJH-SP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Terry J. Hatter, District Judge, Presiding

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Lemuel C. Bray appeals pro se from the district court’s judgment dismissing his action alleging a violation of Title III of the Americans with Disabilities Act (“ADA”) arising out of defendant’s denial of his online loan application. 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 a dismissal for failure to state a claim under Fed. R. Civ. P. 12(b)(6), *N. Cty. Cmty. Alliance, Inc. v. Salazar*, 573 F.3d 738, 741 (9th Cir. 2009), and we affirm.

The district court properly dismissed Bray's action because Bray failed to allege facts sufficient to show any violation of Title III of the ADA. *See* 42 U.S.C. § 12182(a) ("No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation[.]"); *Weyer v. Twentieth Century Fox Film Corp.*, 198 F.3d 1104, 1114-16 (9th Cir. 2000) (under Title III of the ADA, there must be a connection to an actual physical place, and there is no discrimination where disabled individuals are given the same opportunity as everyone else); *see also Wander v. Kaus*, 304 F.3d 856, 858 (9th Cir. 2002) (damages are not recoverable under Title III).

Bray's motions for remand and for a hearing, filed on September 11, 2013, are denied.

AFFIRMED.