

FEB 25 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LORRAINE MANATT,

Plaintiff - Appellant,

v.

STATE OF NEVADA, ex rel its
Department of Business and Industry,
Division of Industrial Relations,

Defendant - Appellee.

No. 12-16668

D.C. No. 3:10-cv-00505-LRH-
VPC

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted February 8, 2016**
San Francisco, California

Before: HAWKINS and MURGUIA, Circuit Judges and BREYER,*** District
Judge.

* 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).

*** The Honorable Charles R. Breyer, United States District Judge for the
Northern District of California, sitting by designation.

Lorraine Manatt, a former industrial hygienist with the Nevada Department of Business and Industry (the “Department”), appeals the district court’s grant of summary judgment in favor of the Department on Manatt’s retaliation claim brought under Title VII of the Civil Rights Act of 1964. *See* 42 U.S.C. § 2000e–3(a).

We agree with the district court that Manatt failed to raise a genuine issue of material fact on whether the “adverse employment actions” taken by the Department were motivated by Manatt reporting a racist video that another employee had shown at her workplace. *See Ray v. Henderson*, 217 F.3d 1234, 1240 (9th Cir. 2000). Even assuming Manatt had made a prima facie case of retaliation, she also failed to raise a genuine issue of material fact on whether the reasons offered by the Department for its actions were a pretext for unlawful discrimination. *See Steiner v. Showboat Operating Co.*, 25 F.3d 1459, 1464–65 (9th Cir. 1994). The district court thus properly granted summary judgment in favor of the Department on Manatt’s Title VII retaliation claim.

AFFIRMED.