

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 7 2016

FOR THE NINTH CIRCUIT

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

MICHAEL I. WHITE, an individual,

No. 14-55405

Plaintiff-Appellant,

D.C. No. 8:12-cv-00922-BRO-
RNB

v.

ARAMARK,

MEMORANDUM*

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
Beverly Reid O'Connell, District Judge, Presiding

Submitted October 25, 2016**

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

Michael I. White appeals pro se from the district court's summary judgment in his diversity action alleging state law claims arising from his employment. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Vasquez v. County of Los Angeles*, 349 F.3d 634, 639 (9th Cir. 2004). We may affirm on any basis

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

supported by the record. *Henry v. Gill Indus., Inc.*, 983 F.2d 943, 950 (9th Cir. 1993). We affirm.

Summary judgment was proper because Aramark's unopposed motion for summary judgment demonstrated the absence of a genuine dispute of material fact as to White's claims. *See id.* (district court may grant an unopposed motion for summary judgment if the movant's papers are themselves sufficient to support the motion and do not on their face reveal a genuine dispute of material fact); *see also Guz v. Bechtel Nat. Inc.*, 8 P.3d 1089, 1113-14 (Cal. 2000) (elements of Fair Employment and Housing Act ("FEHA") discrimination claim); *Flait v. N. Am. Watch Corp.*, 4 Cal. Rptr. 2d 522, 528 (Ct. App. 1992) (elements of FEHA retaliation claim); *Thompson v. City of Monrovia*, 112 Cal. Rptr. 3d 377, 390 (Ct. App. 2010) (elements of FEHA harassment claim).

The district court did not abuse its discretion in granting White's counsel's motion to withdraw. *See Kayes v. Pac. Lumber Co.*, 51 F.3d 1449, 1465 (9th Cir. 1995) (setting forth standard of review).

We do not consider arguments or claims that were not presented to the district court. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

White's request for appointment of counsel, set forth in his reply brief, is

denied.

AFFIRMED.