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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JEAN-CLAUDE MYRTIL,

Plaintiff-Appellant,

v.

UNIVERSITY OF SOUTHERN
CALIFORNIA,

Defendant-Appellee.

No. 14-56737

D.C. No. 2:14-cv-01517-R-PLA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Jean-Claude Myrtil appeals pro se from the district court's summary judgment in his action alleging discrimination under Title III of the Americans with Disabilities Act of 1990 ("ADA"), the Rehabilitation Act of 1973 ("RA"), and

* 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).

state law. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Pardi v. Kaiser Found. Hosps.*, 389 F.3d 840, 848 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment on Myrtil’s ADA, RA, and California’s Unruh Civil Rights Act claims because Myrtil failed to raise a genuine dispute of material fact as to whether he was denied public accommodations due to his disability. *See Molski v. M.J. Cable, Inc.*, 481 F.3d 724, 730-31 (9th Cir. 2007) (setting forth elements of a Title III ADA claim and noting that the “Unruh Act is coextensive with the ADA[.]”); *Lovell v. Chandler*, 303 F.3d 1039, 1052 (9th Cir. 2002) (setting forth elements of a RA § 504 claim).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

We reject as unsupported by the record Myrtil’s arguments that the district court was biased against him and prevented him from presenting oral argument.

AFFIRMED.