

**FILED**

FEB 14 2017

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

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FELIX B. PRESCOTT, individually and  
as representative of the class,

Plaintiff-Appellant,

v.

AMERICAN AUTOMOBILE  
ASSOCIATION and AUTOMOBILE  
CLUB OF SOUTHERN CALIFORNIA,  
erroneously sued under AAA Auto Club of  
Southern California,

Defendants-Appellees.

No. 15-55935

D.C. No.  
2:13-cv-08953-MWF-PLA

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Michael W. Fitzgerald, District Judge, Presiding

Argued and Submitted February 8, 2017  
Pasadena, California

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

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

Prescott's employer terminated him from his job as a tow truck driver after a background check he authorized revealed he did not meet the defendants' requirements to serve their members.<sup>1</sup> Prescott's employer gave him a pre-adverse employment action notice before terminating him as required by the Fair Credit Reporting Act, but he did not receive one from defendants. *See* 15 U.S.C. § 1681b(b)(3)(A). Prescott sued, alleging in his Second Amended Complaint that he suffered an injury traceable to the denied opportunity to challenge HireRight's adjudication and defendants' background check policy. *See Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547–50 (2016). Because Prescott received all the notice to which he was entitled, we affirm the district court's dismissal of the Second Amended Complaint.

**AFFIRMED.**

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<sup>1</sup> The parties are familiar with the facts so we do not recount them here except as necessary to explain this disposition.