

APR 19 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NORMA J. WINGATE,

Plaintiff - Appellant,

v.

MEGAN J. BRENNAN,* Postmaster
General of the United States,

Defendant - Appellee.

No. 13-17266

D.C. Nos. 3:13-cv-01722-LB
3:12-cv-05560-LB

MEMORANDUM**

Appeal from the United States District Court
for the Northern District of California
Laurel D. Beeler, Magistrate Judge, Presiding***

Submitted April 13, 2016****

Before: FARRIS, TALLMAN, and BYBEE, Circuit Judges.

* Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Megan J. Brennan is substituted for her predecessor, Patrick R. Donahoe, as Postmaster General.

** This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

*** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

Norma J. Wingate appeals pro se from the district court's order in her employment action alleging discrimination in violation of Title VII. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010). We affirm.

The district court properly dismissed Wingate's Title VII discrimination claims because Wingate failed to allege facts sufficient to show that the alleged conduct was due to any of her protected classes. *See id.* at 341-42 (though pro se pleadings are liberally construed, plaintiff must allege sufficient facts to state a plausible claim); *Leong v. Potter*, 347 F.3d 1117, 1124 (9th Cir. 2003) (elements of Title VII employment discrimination claim).

AFFIRMED.