

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 27 2021

FOR THE NINTH CIRCUIT

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

BRADLEY R. BLANSETTE,

No. 19-16220

Plaintiff-Appellant,

D.C. No. 2:17-cv-02878-DWL

v.

MEMORANDUM*

CITY OF SCOTTSDALE, DBA Scottsdale
Housing Agency,

Defendant-Appellee,

and

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,

Defendant.

Appeal from the United States District Court
for the District of Arizona
Dominic Lanza, District Judge, Presiding

Submitted April 20, 2021**

Before: THOMAS, Chief Judge, TASHIMA and SILVERMAN, Circuit Judges.

* 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).

Bradley R. Blansette appeals pro se from the district court's summary judgment in his action alleging violations under the Americans with Disabilities Act ("ADA"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Stephens v. Union Pac. R.R. Co.*, 935 F.3d 852, 854 (9th Cir. 2019). We affirm.

The district court properly granted summary judgment because Blansette failed to raise a genuine dispute of material fact as to whether he is a qualified individual with a disability or was discriminated against by the defendant by reason of disability. *See Cohen v. City of Culver City*, 754 F.3d 690, 695 (9th Cir. 2014) (setting forth elements of an ADA Title II claim); *Weinreich v. L.A. Cnty. Metro. Transp. Auth.*, 114 F.3d 976, 979 (9th Cir. 1997) (no ADA violation where plaintiff's exclusion from program was based on plaintiff's failure to provide updated certification of a qualifying disability, and not the fact or perception that plaintiff had a disability).

The district court did not abuse its discretion by denying Blansette's motion for sanctions because Blansette failed to establish grounds for sanctions. *See Christian v. Mattel, Inc.*, 286 F.3d 1118, 1126-27 (9th Cir. 2002) (standard of review and grounds for sanctions under Fed. R. Civ. P. 11); *Fink v. Gomez*, 239 F.3d 989, 991-94 (9th Cir. 2001) (grounds for sanctions under 28 U.S.C. § 1927 and the court's inherent power).

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).

AFFIRMED.