

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2021

FOR THE NINTH CIRCUIT

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

BRUCE EDWARD COMMITTE,

No. 21-35161

Plaintiff-Appellant,

D.C. No. 3:18-cv-01013-AA

v.

MEMORANDUM*

MILLER NASH GRAHAM & DUNN LLP;
P. K. RUNKLES-PEARSON,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, District Judge, Presiding

Submitted December 14, 2021**

Before: WALLACE, CLIFTON, and HURWITZ, Circuit Judges.

Bruce Edward Committe appeals pro se from the district court's judgment dismissing his employment action alleging retaliation in violation of the Age Discrimination in Employment Act ("ADEA"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915(e)(2)(B).

* 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).

Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012). We affirm.

The district court properly dismissed Committe’s action because Committe failed to allege facts sufficient to state a plausible claim. *See Poland v. Chertoff*, 494 F.3d 1174, 1179-80 (9th Cir. 2007) (setting forth elements of an ADEA retaliation claim and explaining that an “adverse employment action is any adverse treatment that is based on a retaliatory motive and is reasonably likely to deter the charging party or others from engaging in protected activity” (citation and internal quotation marks omitted)); *see also Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are to be liberally construed, a plaintiff must still present factual allegations sufficient to state a plausible claim for relief).

Contrary to Committe’s contention, the district court did not dismiss his action on the basis of any privilege or immunity.

Committe’s motion to proceed in forma pauperis (Docket Entry No. 3) is denied as unnecessary.

AFFIRMED.