

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 24 2025

FOR THE NINTH CIRCUIT

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

AZIZ AITYAHIA,

Plaintiff-Appellant,

v.

WESTWIND SCHOOL OF
AERONAUTICS,

Defendant-Appellee.

No. 23-16075

D.C. No. 2:21-cv-01109-SMB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan M. Brnovich, District Judge, Presiding

Submitted March 17, 2025**

Before: CANBY, R. NELSON, and FORREST, Circuit Judges.

Aziz Aityahia appeals pro se from the district court's summary judgment in his action alleging national origin discrimination in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e–2000e-17. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Opara v. Yellen*, 57

* 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).

F.4th 709, 721 (9th Cir. 2023). We affirm.

The district court properly granted summary judgment because Aityahia failed to raise a genuine dispute of material fact as to whether defendant's proffered legitimate, non-discriminatory reason for rescinding its job offer was pretextual. *See id.* at 721-24, 728-29 (setting forth burden-shifting framework for Title VII discrimination claim and explaining that mere conclusory allegations are insufficient to raise a triable dispute regarding an employer's motive).

The district court did not abuse its discretion by denying Aityahia's request for entry of default because defendant did not fail to plead or otherwise defend. *See Fed. R. Civ. P. 55(a)* (providing for entry of default when a defendant "has failed to plead or otherwise defend"); *Speiser, Krause & Madole P.C. v. Ortiz*, 271 F.3d 884, 886 (9th Cir. 2001) (setting forth standard of review).

Aityahia's motions for injunctive relief and to supplement the record (Docket Entry Nos. 30, 31, 35) are denied.

AFFIRMED.