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SEP 24 2025

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMMIE HILL, Plaintiff - Appellant, v. RICHARD V. SPENCER, Secretary, United States Department of the Navy, Defendant - Appellee.	No. 23-4348 D.C. No. 2:18-cv-04838-WLH-AFM MEMORANDUM[*]

Appeal from the United States District Court
for the Central District of California
Wesley L. Hsu, District Judge, Presiding

Submitted September 18, 2025[**]
Pasadena, California

Before: TASHIMA, BYBEE, and IKUTA, Circuit Judges.

Jammie Hill appeals the district court's grant of summary judgment in favor of the Secretary of the United States Department of the Navy ("Navy"). We have jurisdiction under 28 U.S.C. § 1291. Reviewing de novo, *Weil v. Citizens Telecom*

[*] 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).

Servs. Co., LLC, 922 F.3d 993, 1001 (9th Cir. 2019), we affirm.

1. We affirm the district court's grant of summary judgment as to Hill's disparate treatment discrimination claims. To establish a disparate treatment claim under Title VII, a plaintiff first bears the burden of establishing a prima facie case of discrimination. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973). If the plaintiff establishes a prima facie case, then the burden shifts to the defendant to "articulate some legitimate, nondiscriminatory reason for the challenged action." *Villiarimo v. Aloha Island Air, Inc.*, 281 F.3d 1054, 1062 (9th Cir. 2002) (citing *McDonnell Douglas*, 411 U.S. at 802). If the employer does so, "the plaintiff must show that the articulated reason is pretextual 'either directly by persuading the court that a discriminatory reason more likely motivated the employer or indirectly by showing that the employer's proffered explanation is unworthy of credence.'" *Id.* (quoting *Chuang v. Univ. of Cal. Davis*, 225 F.3d 1115, 1124 (9th Cir. 2000)).

Here, even if Hill established a prima facie case of disparate treatment based on her race or color, she failed to establish that the Navy's reason for its actions was pretextual. "[S]ubjective personal judgments of [Hill's] competence alone do not raise a genuine issue of material fact." *Bradley v. Harcourt, Brace and Co.*, 104 F.3d 267, 270 (9th Cir. 1996) (citation omitted). Additionally, Hill fails to point to any evidence that the Navy "did not honestly believe its proffered reasons" for its actions. *See Villiarimo*, 281 F.3d at 1063.

2. We affirm the district court's grant of summary judgment as to Hill's retaliation claim. "To establish a prima facie case of retaliation, [a plaintiff] must show that '(1) she engaged in a protected activity; (2) she suffered an adverse employment action; and (3) there was a causal connection between the two.'" *Lui v. DeJoy*, 129 F.4th 770, 782 (9th Cir. 2025) (citation omitted). If the plaintiff establishes a prima facie case, "the burden shifts to the defendant to set forth a legitimate, non-retaliatory reason for its actions, and [the plaintiff] must produce evidence to show that the stated reasons were a pretext for retaliation." *Id.* (internal quotation marks and citation omitted). Hill produced only some evidence of temporal proximity between the adverse employment action and the protected activity, which even if sufficient to establish a prima facie case, was insufficient to show pretext. *See Hashimoto v. Dalton*, 118 F.3d 671, 680 (9th Cir. 1997).

3. We affirm the district court's grant of summary judgment as to Hill's failure-to-accommodate claim under the Americans with Disabilities Act ("ADA"). "The ADA prohibits discrimination against a 'qualified individual with a disability because of the disability of such individual in regard to . . . [the] terms, conditions, and privileges of employment.'" *Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1088–89 (9th Cir. 2002) (quoting 42 U.S.C. § 12112(a)) (emphasis omitted). Hill did not produce sufficient evidence to create a dispute of material fact that the Navy's delay in 2013 in providing her requested accommodation was unreasonable or that

the Navy failed to act in good faith. *Cf. Id.* at 1087–89. And the Navy was not required to provide Hill with the exact accommodation that she requested in 2014, so long as the accommodation that it provided was reasonable. *Id.* at 1089.

4. Finally, we affirm the district court's grant of summary judgment as to Hill's hostile work environment claim. "Under Title VII, it is unlawful for an employer to discriminate against any individual with respect to [her] compensation, terms, conditions, or privileges of employment because of [her] race, color, religion, sex, or national origin." *Vasquez v. County of Los Angeles*, 349 F.3d 634, 642 (9th Cir. 2003). To establish a prima facie claim of discrimination due to a hostile work environment, a plaintiff must show that "(1) [s]he was subjected to verbal or physical conduct of a sexual [or racial] nature; (2) the conduct was unwelcome; and (3) the conduct was sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment." *Fried v. Wynn Las Vegas, LLC*, 18 F.4th 643, 647 (9th Cir. 2021) (citation omitted).

Hill provided evidence of one racially offensive comment but failed to explain how the Navy's other actions amounted to "verbal or physical conduct" based on her race, sex, or disability. *See Surrell v. Cal. Water Serv. Co.*, 518 F.3d 1097, 1108–09 (9th Cir. 2008). That comment does not rise to the level of severe or pervasive conduct. *See*, *e.g.*, *Manatt v. Bank of America, NA*, 339 F.3d 792, 799 (9th Cir. 2003).

AFFIRMED.