

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 11 2026

FOR THE NINTH CIRCUIT

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

AUGUSTO J. MARTINEZ,

Plaintiff - Appellant,

v.

MARKWAYNE MULLIN, Secretary of the
Department of Homeland Security,
Transportation Security Administration,

Defendant - Appellee.

No. 24-6870

D.C. No. 2:23-cv-00429-MTL

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Michael T. Liburdi, District Judge, Presiding

Submitted April 22, 2026**

Before: LEE, DESAI, and JOHNSTONE, Circuit Judges.

Augusto J. Martinez appeals pro se from the district court's summary judgment in his employment action alleging violations of Title VII and the Age Discrimination in Employment Act ("ADEA") concerning his termination from the

* 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).

Transportation Security Administration. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Hawn v. Exec. Jet Mgmt., Inc.*, 615 F.3d 1151, 1155 (9th Cir. 2010). We affirm.

The district court properly granted summary judgment because Martinez failed to raise a genuine dispute of material fact as to whether Martinez was performing his job satisfactorily, whether similarly situated employees outside of Martinez's protected classes were treated more favorably, or whether the circumstances of his termination otherwise gave rise to an inference of discrimination. *See id.* at 1156 (setting forth the elements of a prima facie case of discrimination under Title VII); *Diaz v. Eagle Produce Ltd. P'ship*, 521 F.3d 1201, 1207 (9th Cir. 2008) (setting forth the elements of a prima facie case of discrimination under the ADEA).

We reject as meritless Martinez's contention that his termination violated his due process rights and the Civil Service Reform Act.

AFFIRMED.