

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 26 2026

FOR THE NINTH CIRCUIT

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

FARID SHAHRIVAR,

Plaintiff-Appellant,

v.

RODNEY RAPSON, an individual; DAVID SYKES, an individual; HARRY FREITAS; KATHERINE JENSEN, an individual; DAVID PRINTY, an individual; DANNY TSAO; KATRINA ALLEN, an individual; DOUG BAKER, an individual; ALEX GURZA, an individual; SARAH NUNES, an individual; LES WHITE, an individual; ALLEN DEMERS, an individual; RAJIV DAS, an individual; ADAM STREMPPEL, an individual; STEVE PAGAN, an individual; ANGELA CHEN, an individual; MARK DANAJ, an individual; ROBERT FABELA, an individual; SUSAN LACY; CITY OF SAN JOSE, a municipality,

Defendants-Appellees.

No. 23-16131

D.C. No. 3:10-cv-01029-RS

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Richard Seeborg, District Judge, Presiding

Submitted August 25, 2026**

* 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

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Farid Shahrivar appeals pro se from the district court's summary judgment in his employment action alleging retaliation under 42 U.S.C. § 1981. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Surrell v. Cal. Water Serv. Co.*, 518 F.3d 1097, 1103 (9th Cir. 2008). We affirm.

The district court properly granted summary judgment because Shahrivar failed to raise a genuine dispute of material fact as to whether defendants' legitimate, non-retaliatory reasons for disciplining and terminating Shahrivar were pretextual. *See id.* at 1108 (setting forth the *McDonnell Douglas* burden shifting framework for § 1981 retaliation claims).

The district court did not abuse its discretion in denying Shahrivar's motions for reconsideration because Shahrivar failed to set forth any basis for relief. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration under Federal Rules of Civil Procedure 59 and 60).

The district court did not abuse its discretion in its discovery rulings and pretrial scheduling. *See Jorgensen v. Cassidy*, 320 F.3d 906, 913 (9th Cir. 2003) (setting forth standard of review and noting that "[t]he district court is given broad discretion in supervising the pretrial phase of litigation" (citation and internal

without oral argument. *See* Fed. R. App. P. 34(a)(2).

quotation marks omitted)).

We do not consider Shahrivar's contentions regarding the district court's dismissal of his Fair Employment and Housing Act claims because those claims are outside the scope of this appeal.

The motion (Docket Entry No. 48) to take judicial notice and the motion (Docket Entry No. 60) to replace the reply brief are granted.

AFFIRMED.