

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 27 2026

FOR THE NINTH CIRCUIT

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

LEROY HARRIS,

Plaintiff - Appellant,

v.

CLARK COUNTY SCHOOL DISTRICT,

Defendant - Appellee.

No. 25-2192

D.C. No.

2:23-cv-00259-MMD-MDC

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding

Submitted August 25, 2026**

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

Leroy Harris appeals pro se from the district court's summary judgment in his action under the Americans with Disabilities Act ("ADA") arising out of the Clark County School District's failure to rehire him. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Daubert v. Lindsay Unified Sch. Dist.*, 760

* 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.3d 982, 985 (9th Cir. 2014). We affirm.

The district court properly granted summary judgment because Harris failed to raise a genuine dispute of material fact as to whether the School District declined to rehire him because of his disability or whether the School District's legitimate non-discriminatory reasons for not rehiring Harris were pretextual. *See Hutton v. Elf Atochem N. Am., Inc.*, 273 F.3d 884, 891 (9th Cir. 2002) (setting forth elements of a prima facie case under the ADA); *see also Raytheon Co. v. Hernandez*, 540 U.S. 44, 54 n.7 (2003) (explaining that where employer is unaware of disability, it is "impossible" for a hiring decision to be based on that disability); *Curley v. City of North Las Vegas*, 772 F.3d 629, 632 (9th Cir. 2014) (concluding that poor performance and disciplinary infractions were legitimate, nondiscriminatory reasons for termination); *Brown v. City of Tucson*, 336 F.3d 1181, 1188 (9th Cir. 2003) (explaining that evidence of pretext must be specific and substantial in order to survive summary judgment).

The motion (Docket Entry No. 18) for oral argument is denied.

AFFIRMED.