

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2026

FOR THE NINTH CIRCUIT

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

GANIYU AYINLA JAIYEOLA,

Plaintiff - Appellant,

v.

APPLE INC.,

Defendant - Appellee.

No. 25-1351

D.C. No. 5:23-cv-03462-EJD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Edward J. Davila, District Judge, Presiding

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

Ganiyu Ayinla Jaiyeola appeals pro se from the district court's judgment dismissing his employment action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th

* 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).

Cir. 2010). We affirm.

The district court properly dismissed Jaiyeola's action because Jaiyeola failed to allege facts sufficient to state a plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (to avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face" (citation and internal quotation marks omitted)); *Vasquez v. County of Los Angeles*, 349 F.3d 634, 640-42 (9th Cir. 2003) (setting forth elements of discrimination and hostile work environment claims under Title VII); *Evans v. McKay*, 869 F.2d 1341, 1344 (9th Cir. 1989) (explaining that a 42 U.S.C. § 1981 claim requires a showing of intentional discrimination on account of race); *Yanowitz v. L'Oreal USA, Inc.*, 116 P.3d 1123, 1130 (Cal. 2005) (setting forth elements of retaliation claim under California's Fair Employment Housing Act ("FEHA")); *Guz v. Bechtel Nat'l Inc.*, 8 P.3d 1089, 1113 (Cal. 2000) (setting forth elements of discrimination claim under FEHA); *Aguilar v. Avis Rent A Car Sys., Inc.*, 980 P.2d 846, 851-52 (Cal. 1999) (setting forth elements of harassment claim under FEHA).

The district court did not abuse its discretion by denying Jaiyeola's motion for leave to file an amended complaint because the amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that leave to amend

may be denied when amendment would be futile).

The district court did not abuse its discretion by denying Jaiyeola's motion for disqualification and recusal because Jaiyeola failed to establish any basis for relief. *See United States v. Hernandez*, 109 F.3d 1450, 1453-54 (9th Cir. 1997) (setting forth standard of review and discussing standard for recusal under 28 U.S.C. §§ 144 and 455). We reject as unsupported by the record Jaiyeola's contention that the district judge was biased against him.

The district court did not abuse its discretion by denying Jaiyeola's post-judgment motions because Jaiyeola 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 bases for reconsideration).

Jaiyeola's challenge to the district court's denial of his motions for temporary restraining orders is moot. *See Mt. Graham Red Squirrel v. Madigan*, 954 F.2d 1441, 1450 (9th Cir. 1992) (when underlying claims have been decided, the reversal of a denial of preliminary injunctive relief would have no practical consequences, and the issue is therefore moot).

AFFIRMED.