NOT FOR PUBLICATION

FILED

OCT 30 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERTA BARNETT,

Plaintiff - Appellant,

v.

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES; SHEILA EVANS; GLENDA LOPEZ; DEBORA MONROE; MIKE MILLER; BEATRICE QUINONEZ; TAMMY WATSON; LATOYA GUITON; JACKIE FAYNE; GEORGE MCGINNIS; JEANETTE BINION; GLORIA VASQUEZ,

Defendants - Appellees.

No. 25-2695

D.C. No. 2:17-cv-01517-TLN-CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted October 27, 2026**

Before: SILVERMAN, FORREST, and VANDYKE, Circuit Judges.

* 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).

Roberta Barnett appeals pro se from the district court's summary judgment in her action alleging claims under the Rehabilitation Act and California's Fair Employment and Housing Act ("FEHA"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Dep't of Fair Emp. & Hous. v. Lucent Techs., Inc.*, 642 F.3d 728, 736 (9th Cir. 2011). We affirm.

The district court properly granted summary judgment on Barnett's disability discrimination and retaliation claims because Barnett failed to raise a genuine dispute of material fact as to whether she was subjected to an adverse employment action or discrimination because of her disability. *See Updike v. Multnomah County*, 870 F.3d 939, 949 (9th Cir. 2017) (listing the elements of a disability discrimination claim under the Rehabilitation Act); *Coons v. Sec'y of U.S. Dep't of Treasury*, 383 F.3d 879, 887 (9th Cir. 2004) (listing the elements of a retaliation claim under the Rehabilitation Act); *Husband v. Target Corp.*, 344 Cal. Rptr. 3d 622, 629 (Ct. App. 2026) (listing the elements of a disability discrimination claim under FEHA); *see also Cafasso, United States ex rel. v. Gen. Dynamics C4 Sys., Inc.,* 637 F.3d 1047, 1061 (9th Cir. 2011) ("To survive summary judgment, a plaintiff must set forth non-speculative evidence of specific facts, not sweeping conclusory allegations.").

The district court properly granted summary judgment on Barnett's reasonable accommodation and interactive process claims because Barnett failed to

raise a triable dispute as to whether she requested a reasonable accommodation. *See Husband*, 344 Cal. Rptr. 3d at 630-31(describing an employer's duty under FEHA to make reasonable accommodations for employee disabilities and to engage in an interactive process in response to a request for reasonable accommodation by an employee).

The district court did not abuse its discretion by granting Barnett's counsel's motion to withdraw. *See* E.D. Cal. L.R. 182(d) (requirements for attorney withdrawal); *LaGrand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998) (setting forth standard of review); *see also Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (holding that, generally, a person has no right to counsel in a civil action). We reject as unsupported by the record Barnett's contention that the district court violated her due process rights by granting the motion.

The district court did not abuse its discretion by denying Barnett leave to amend her complaint for a third time because amendment would be 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 where amendment would be futile); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) (explaining that "the district court's discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint" (citation and internal quotation marks omitted)).

All pending motions are denied.

AFFIRMED.