

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 06 2016

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

GILBERTO G. MUÑOZ,

Plaintiff - Appellant,

v.

SOCIAL SECURITY  
ADMINISTRATION; CAROLYN W.  
COLVIN, Acting Commissioner of SSA,

Defendants - Appellees.

No. 13-55903

D.C. No. 3:10-cv-01003-MMA-  
NLS

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Michael M. Anello, District Judge, Presiding

Submitted May 24, 2016\*\*

Before: REINHARDT, W. FLETCHER, and MURGUIA, Circuit Judges.

Gilberto G. Muñoz appeals pro se from the district court's judgment in his action under the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.*, alleging retaliatory firing. We have jurisdiction under 28 U.S.C. § 1291. We review de

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

novo a district court's ruling on cross-motions for summary judgment. *Ford v. City of Yakima*, 706 F.3d 1188, 1192 (9th Cir. 2013). We affirm.

The district court properly granted summary judgment for defendants because Muñoz failed to raise a genuine dispute of material fact as to whether defendants' legitimate reason for firing him was pretextual. *See Coons v. Sec'y of U.S. Dep't of Treasury*, 383 F.3d 879, 887-88 (9th Cir. 2004) (setting forth burden shifting test for evaluating a retaliation claim under the Rehabilitation Act).

Muñoz's requests for judicial notice, set forth in his reply brief, are denied as unnecessary.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

**AFFIRMED.**