

AUG 23 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SANDIE P. CHU,

Plaintiff-Appellant,

v.

PATRICK R. DONAHOE,
POSTMASTER GENERAL, UNITED
STATES POSTAL SERVICE,

Defendant-Appellee.

No. 14-16467

D.C. No. 4:12-cv-02660-YGR

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Yvonne Gonzalez Rogers, District Judge, Presiding

Submitted August 16, 2016**

Before: O'SCANNLAIN, LEAVY, and CLIFTON, Circuit Judges.

Sandie P. Chu appeals pro se from the district court's summary judgment in her employment action alleging race and national origin discrimination in violation

* 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).

of Title VII. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Hawn v. Exec. Jet Mgmt., Inc.*, 615 F.3d 1151, 1155 (9th Cir. 2010), and we affirm.

The district court properly granted summary judgment on Chu's Title VII race discrimination claim because Chu failed to raise a genuine dispute of material fact as to whether similarly situated employees were treated more favorably or whether defendant's asserted non-discriminatory reason for involuntarily reassigning her was pretextual. *See id.* at 1155-56 (providing framework for analyzing a discrimination claim under Title VII); *see also Earl v. Nielsen Media Research, Inc.*, 658 F.3d 1108, 1112-13 (9th Cir. 2011) (discussing ways plaintiff can demonstrate pretext and explaining that, although plaintiff's burden is not onerous, plaintiff must produce specific and substantial facts to create a triable dispute as to pretext).

AFFIRMED.