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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff - Appellant,

v.

CLARK COUNTY, NEVADA,

Defendant - Appellee.

No. 10-16216

D.C. No. 2:07-cv-01311-JCM-  
GWF

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
James C. Mahan, District Judge, Presiding

Argued and Submitted May 17, 2012  
San Francisco, California

Before: THOMAS, McKEOWN, and W. FLETCHER, Circuit Judges.

The Equal Employment Opportunity Commission (“EEOC”) appeals the judgment entered against it on its age discrimination claims filed against Clark County, Nevada. We affirm.

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

Considering “all of the incidents of the relationship” between Clark County and its unpaid firefighters under the undisputed facts, the district court did not err in concluding that the balance of factors favors granting volunteer status, not employee status, to Clark County’s volunteer firefighters under the Age Discrimination in Employment Act. *Clackamas Gastroenterology Assoc. v. Wells*, 538 U.S. 440, 451 (2003) (internal quotation marks omitted). Therefore, the district court’s grant of summary judgment was proper.

**AFFIRMED.**