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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GARRETT L. BROWN,

Plaintiff - Appellant,

v.

PREMIER CHEMICALS, LLC,

Defendant - Appellee.

No. 10-17497

D.C. No. 3:08-cv-00635-KJD-
GWF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Argued and Submitted April 17, 2012
San Francisco, California

Before: KOZINSKI, Chief Judge, McKEOWN and N.R. SMITH, Circuit Judges.

1. The district court granted summary judgment in error, because a genuine issue of fact exists as to whether the August 2 Family Medical Leave Act (FMLA) certification form was sufficient under 29 C.F.R. § 825.306.

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

2. Because the district court did not address whether Brown qualified for FMLA leave, we remand this case to the district court to make that determination in the first instance.

REVERSED and REMANDED.