NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SAIF KHORSHED, Plaintiff-Appellant, v. PAULA ADAMS, LAWA Director of Human Resources, an individual; JOSEPH Y. AVRAHAMY, Attorney at Law, an individual, Defendants-Appellees.	No. 15-55165 D.C. No. 2:14-cv-03435-GW-JPR MEMORANDUM[*]

Appeal from the United States District Court
for the Central District of California
George H. Wu, District Judge, Presiding

Submitted October 25, 2016[**]

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

Saif Khorshed appeals pro se from the district court's judgment dismissing his employment action alleging violations of Title VII, the Americans with

[*] 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).

Disabilities Act ("ADA"), the Fair Labor Standards Act ("FLSA"), and various other claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Landers v. Quality Commc'ns, Inc*., 771 F.3d 638, 640 (9th Cir. 2015). We may affirm on any basis supported by the record, *Johnson v. Riverside Healthcare Sys., LP*, 534 F.3d 1116, 1121 (9th Cir. 2008), and we affirm.

The district court properly dismissed Khorshed's ADA and Title VII claims because these statutes do not impose liability on individual defendants. *See Walsh v. Nev. Dep't of Human Res*., 471 F.3d 1033, 1037-38 (9th Cir. 2006).

Dismissal of Khorshed's FLSA claim for failure to pay overtime wages was proper because Khorshed failed to allege facts sufficient to state a plausible claim for unpaid overtime. *See Landers*, 771 F.3d at 644-46 (setting forth requirements to state a plausible FLSA claim for overtime payments); *see also Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are to be liberally construed, a plaintiff must still present factual allegations sufficient to state a plausible claim for relief).

The district court properly dismissed Khorshed's "human rights" claim because Khorshed failed to allege facts sufficient to state any plausible claim for

relief. *See Hebbe*, 627 F.3d at 341-42; *Johnson*, 534 F.3d at 1121-22 (9th Cir. 2008) ("A Rule 12(b)(6) dismissal may be based on either a lack of a cognizable legal theory or the absence of sufficient facts alleged under a cognizable legal theory." (citation and internal quotation marks omitted)).

The district court did not abuse its discretion by denying Khorshed's motion to alter or amend under Federal Rule of Civil Procedure 59(e) without first holding a hearing for the parties to present oral argument. *See Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc*., 5 F.3d 1255, 1262 (9th Cir. 1993) (setting forth standard of review and grounds for relief); *see also* Fed. R. Civ. P. 78(b) ("By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings."); C.D. Cal. L. R. 7-15 ("The Court may dispense with oral argument on any motion except where an oral hearing is required by statute. . . ."); *Delange v. Dutra Const. Co., Inc*., 183 F.3d 916, 919 n.2 (9th Cir. 1999) (setting forth standard of review of a district court's interpretation and application of its local rules).

Khorshed's contentions regarding alleged bias of the district court judge are unpersuasive.

AFFIRMED.