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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HARRISON BENJAMIN KINNEY,</p> <p>Plaintiff-Appellant,</p> <p>v.</p> <p>NOB HILL GRILL; et al.,</p> <p>Defendants-Appellees.</p>
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No. 17-15255

D.C. No. 3:16-cv-03211-CRB

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Charles R. Breyer, District Judge, Presiding

Submitted February 6, 2018\*\*  
San Francisco, California

Before: THOMAS, Chief Judge, and D.W. NELSON and CHRISTEN, Circuit Judges.

Harrison Kinney appeals the district court’s grant against him of judgment on the pleadings. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm in part and dismiss in part.

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\* 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).

Plaintiff's claim for prospective injunctive relief under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et. seq.*, became moot when the restaurant closed.

Given the absence of any available relief under federal law, the district court did not abuse its discretion in declining to exercise supplemental jurisdiction over plaintiff's state-law claims. 28 U.S.C. § 1367(c)(3); *City of Colton v. American Promotional Events, Inc.-West*, 614 F.3d 998, 1008 (9th Cir. 2010).

Given our resolution of this appeal, we need not decide any other question presented by this case.

All pending motions are denied as moot.

**AFFIRMED IN PART; DISMISSED IN PART.**