

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2019

FOR THE NINTH CIRCUIT

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

TREVOR WEEKS,

Plaintiff,

v.

UNION PACIFIC RAILROAD
COMPANY, a Delaware corporation,

Defendant-Appellee,

v.

KAY McKENZIE PARKER, Proposed
Intervenor,

Movant-Appellant.

No. 18-15872

D.C. No. 1:13-cv-01641-AWI-JLT

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted September 18, 2019**

Before: FARRIS, TASHIMA, and NGUYEN, Circuit Judges.

* 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 Trevor Weeks's former counsel Kay McKenzie Parker appeals pro se from the district court's order denying her motion to intervene in her former client's employment discrimination action for the purpose of moving for attorney's fees. We have an independent obligation to consider whether an appeal is moot. *In re Burrell*, 415 F.3d 994, 997 (9th Cir. 2005).

The record on appeal reflects that Parker was party to an agreement waiving any further entitlement to fees in this action. Therefore, the appeal is moot.¹

Union Pacific Railroad Company's motion to supplement the record on appeal (Docket Entry No. 19) is granted.

Parker's request for sanctions, set forth in her reply brief, is denied.

DISMISSED.

¹ We note that appellant failed to include a copy of the settlement agreement on appeal.