

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 3 2018

FOR THE NINTH CIRCUIT

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

FRED ROSENFELD,

Plaintiff-Appellant,

v.

NV ENERGY, INC.,

Defendant-Appellee.

No. 18-16050

D.C. No. 2:17-cv-03041-JCM-
CWH

MEMORANDUM*

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

Submitted November 27, 2018**

Before: CANBY, TASHIMA, and FRIEDLAND, Circuit Judges.

Fred Rosenfeld appeals from the district court's judgment dismissing his employment action alleging age discrimination, hostile work environment, and violations of state law. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the district court's denial of leave to amend. *Salameh v.*

* 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).

Tarsadia Hotel, 726 F.3d 1124, 1133 (9th Cir. 2013). We affirm.

The district court did not abuse its discretion by dismissing Rosenfeld's action without leave to amend because Rosenfeld failed to move for leave to amend. *See* Fed. R. Civ. P. 15(a)(2); *Salameh*, 726 F.3d at 1133 (no abuse of discretion to deny leave to amend where plaintiff failed to identify facts that could cure the deficiencies in the complaint).

AFFIRMED.