

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 2 2024

FOR THE NINTH CIRCUIT

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

BARBARA STUART ROBINSON,

No. 23-15269

Plaintiff-Appellant,

D.C. No. 2:22-cv-00651-JFM

v.

MEMORANDUM*

CITY OF PHOENIX,

Defendant-Appellee.

Appeal from the United States District Court
for the District of Arizona
James F. Metcalf, Magistrate Judge, Presiding**

Submitted March 26, 2024***

Before: TASHIMA, SILVERMAN, and KOH, Circuit Judges.

Barbara Stuart Robinson appeals pro se from the district court's summary judgment in her 42 U.S.C. § 1983 action alleging procedural due process and state law claims arising out of an injury that occurred on city property. We have

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction under 28 U.S.C. § 1291. We review de novo. *Wallis v. Princess Cruises, Inc.*, 306 F.3d 827, 832 (9th Cir. 2002). We affirm.

The district court properly granted summary judgment because Robinson failed to raise a genuine dispute of material fact as to whether the City deprived her of any right secured by federal law without due process. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (setting forth requirements for procedural due process); *see also Daniels v. Williams*, 474 U.S. 327, 328 (1986) (“We conclude that the Due Process Clause is simply not implicated by a negligent act of an official causing unintended loss of or injury to life, liberty, or property.”).

AFFIRMED.