

JAN 26 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VERGIE H. WHITE,

Plaintiff - Appellant,

v.

PETE GEREN, Acting Secretary of the
United States Air Force,

Defendant - Appellee.

No. 05-56816

D.C. No. CV-04-09364-NM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Nora M. Manella, District Judge, Presiding

Submitted January 13, 2009**

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Vergie H. White appeals pro se from the district court's order dismissing her
action alleging race discrimination against minority employees at Edwards Air

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

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

Force Base. We have jurisdiction under 28 U.S.C. § 1291. We review de novo an order dismissing for failure to state a claim. *Ortez v. Washington County*, 88 F.3d 804, 807 (9th Cir. 1996). We affirm.

The district court properly dismissed White’s Title VII claim because White did not fully exhaust her administrative remedies. *See Jasch v. Potter*, 302 F.3d 1092, 1094 (9th Cir. 2002) (“In order to bring a Title VII cause of action against a federal government agency in district court, [plaintiff] must first exhaust his administrative remedies.”).

The district court properly dismissed White’s class action claims because White, proceeding pro se, was not an adequate class representative. *See Fed. R. Civ. P. 23(a)(4)* (requiring that class representative be able to “fairly and adequately protect the interests of the class”); *McShane v. United States*, 366 F.2d 286, 288 (9th Cir. 1966) (holding that a lay person lacks authority to appear as an attorney for others).

White’s remaining contentions are unpersuasive.

AFFIRMED.