

JUL 10 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALLEN G. HUTCHENS,

Plaintiff - Appellant,

v.

TERRI HUTCHENS, also known as
Teresa Hutchens-Collins,

Defendant - Appellee.

No. 06-36101

D.C. No. CV-04-00281-JMS

MEMORANDUM *

Appeal from the United States District Court
for the District of Oregon
Janice M. Stewart, Magistrate Judge, Presiding**

Submitted June 18, 2008***

Before: LEAVY, HAWKINS, and W. FLETCHER, Circuit Judges.

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

** The parties consented in writing to jurisdiction by a magistrate judge.

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

Allen G. Hutchens (“Hutchens”) appeals pro se from the district court’s summary judgment for defendant in his diversity action alleging tortious interference with Hutchens’ expected inheritance from his mother. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Fanucchi & Limi Farms v. United Agri Products*, 414 F.3d 1075, 1080 (9th Cir. 2005), and we affirm.

The district court properly granted summary judgment to defendant because Hutchens did not raise a triable issue as to whether he suffered economic damages as a result of defendant’s alleged conduct, a necessary element to his claim. *See McGanty v. Staudenraus*, 901 P.2d 841, 844 (Or. 1995) (explaining that a plaintiff making a claim for intentional interference with economic relations must establish, inter alia, that she was damaged by the defendant’s conduct).

Hutchens’ remaining contentions are unavailing,

AFFIRMED.