

DEC 09 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MAURICE PATRICK,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>WILLIAMS AND ASSOCIATES,</p> <p>Defendant - Appellee.</p>
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No. 07-35845

D.C. No. CV-06-00149-FVS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Fred L. Van Sickle, District Judge, Presiding

Submitted December 1, 2008**

Before: GOODWIN, CLIFTON and BEA, Circuit Judges.

Appellant Maurice Patrick appeals the district court's order granting summary judgment in favor of appellee Williams and Associates and granting appellee's counterclaim, court costs, reasonable attorney's fees and collection

* 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).

costs. Appellee has filed a motion for dismissal and for sanctions and terms. The motion is construed as a motion for summary affirmance of the district court's order.

The district court's grant of summary judgment is reviewed *de novo*. See *Buono v. Norton*, 371 F.3d 543, 545 (9th Cir. 2004).

A review of the record and the briefs indicates that the questions raised in this appeal are so insubstantial as not to require further argument. See *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The district court properly determined that there was no genuine issue of material fact in dispute. See Fed. R. Civ. P. 56; *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). After reviewing the admissible evidence submitted by the parties in connection with appellee's summary judgment motion, the district court correctly concluded that, pursuant to the contract between the parties and appellant's promissory note, appellant was required to pay Williams and Associates the fee for the training course he had attended, as well as court costs, reasonable attorney's fees and costs of collection.

Accordingly, we summarily affirm the district court's judgment.

Appellee's motion for sanctions is denied.

All other pending motions are denied as moot.

AFFIRMED.