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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICHARD B. GOODIN,

Plaintiff - Appellant,

v.

FIDELITY NATIONAL TITLE
INSURANCE COMPANY, a California
corporation; et al.,

Defendants - Appellees.

No. 08-17265

D.C. No. 1:07-cv-00074-DAE-
BMK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
David Alan Ezra, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

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

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

Richard B. Goodin appeals pro se from the district court's summary judgment and dismissal orders in this diversity action asserting claims of breach of a title insurance contract and of legal malpractice arising out of a real property dispute. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo. *Fanucchi & Limi Farms v. United Agri Prod.*, 414 F.3d 1075, 1080 (9th Cir. 2005) (summary judgment); *Crum v. Circus Circus Enters.*, 231 F.3d 1129, 1130 (9th Cir. 2000) (dismissal for lack of subject matter jurisdiction). We affirm.

Summary judgment was proper on Goodin's claims against his former attorneys because Goodin failed to raise a triable issue as to whether these defendants breached any legal duty they had to him. *See Blair v. Ing*, 21 P.3d 452, 464 (Haw. 2001) (explaining standard for establishing attorney malpractice).

Because Goodin failed to argue the issue, we do not consider the propriety of the district court's dismissal of his breach of contract claim for lack of subject matter jurisdiction. *See Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1992) (issues raised in pro se litigant's brief but not supported by argument deemed abandoned).

Goodin's remaining contentions lack merit.

AFFIRMED.