

MAY 16 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WESTERN RADIO SERVICES CO., an  
Oregon Corporation; et al.,

Plaintiffs - Appellants,

v.

UNITED STATES FOREST SERVICE,

Defendant - Appellee.

No. 10-35468

D.C. No. 6:09-cv-00872-HO

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Michael R. Hogan, District Judge, Presiding

Submitted May 5, 2011\*\*  
Portland, Oregon

Before: TASHIMA, BEA, and IKUTA, Circuit Judges.

Western Radio Service Co. and Richard Oberdorfer, the company’s owner and president (collectively “Western Radio”), appeal the district court’s grant of summary judgment to the United States Forest Service (“Forest Service”). We

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\* 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).

affirm the district court because Western Radio has not adduced evidence sufficient to raise a triable issue of fact that it has suffered a “concrete and particularized” and “actual and imminent” harm as required for Article III standing. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992) (citations omitted).

**AFFIRMED.**