

OCT 12 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TODD D. GASTALDO,

Defendant - Appellant.

No. 10-35385

D.C. No. 3:09-cv-00310-HU

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Submitted September 27, 2011**

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

Todd D. Gastaldo appeals pro se from the district court's summary judgment for the United States in its civil action to collect amounts due on three defaulted, federally-insured student loans. We have jurisdiction under 28 U.S.C. § 1291. We

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

review de novo. *United States v. Phillips*, 20 F.3d 1005, 1006-07 (9th Cir. 1994) (per curiam). We affirm.

The district court properly granted summary judgment for the United States because Gastaldo failed to demonstrate a genuine dispute of material fact as to whether he owed the alleged amounts to the government. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986); *see also* 20 U.S.C. § 1091a(a)(2) (the United States may at any time bring an action for the repayment of the amount due from a borrower on a loan made under Title IV of the Higher Education Act that has been assigned to the Secretary of Education).

Gastaldo's remaining contentions are unpersuasive.

AFFIRMED.