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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEVE CASTRO,

Plaintiff-counter-claimant -
Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee,

and

SHIRLEY J. VEATCH,

Third-party-defendant.

No. 09-17427

D.C. No. 2:08-cv-01502-NVW

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Submitted November 18, 2011**
San Francisco, California

Before: FARRIS, NOONAN, and BEA, 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).

Steve Castro appeals from the district court's grant of summary judgment in favor of the United States. The parties are familiar with the facts underlying the appeal and thus we do not include them here.

The district court's failure to accord a hearing on a motion for summary judgment was not legal error in light of Federal Rule of Civil Procedure 78 and the District of Arizona Local Rules of Civil Procedure which state that no response to the motion for summary judgment is equivalent to consenting to the motion, *see* Local Rule 7.2(i), and that no hearing is required where no request is made for such a hearing, *see* Local Rule 7.2(f).

AFFIRMED.