

MAY 28 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICHARD A. CANATELLA,

Plaintiff - Appellant,

v.

KRIEG KELLER SLOAN REILLY &
ROMAN LLP; et al.,

Defendants - Appellees.

No. 12-16086

D.C. No. 3:11-cv-05535-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Argued and Submitted May 15, 2014
San Francisco, California

Before: RIPPLE,** SILVERMAN, and GOULD, Circuit Judges.

Appellant Richard Canatella seeks review of the district court's judgment in favor of defendants following the district court's dismissal of Canatella's first

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

** The Honorable Kenneth F. Ripple, Senior Circuit Judge for the U.S. Court of Appeals for the Seventh Circuit, sitting by designation.

amended complaint without leave to amend, as well as the district court's order denying Canatella's motion for relief from judgment.

Defendants have moved to dismiss the appeal as moot because, since the district court's judgment was entered, the State Bar has completed and closed the underlying investigation of Canatella. As a result of the State Bar's action, Canatella's claims against defendants Kim, Blumenthal, and Majid are moot. We grant their motion to dismiss. *Church of Scientology of California v. United States*, 506 U.S. 9, 12, 113 S. Ct. 447, 449, 121 L. Ed. 2d 313 (1992).

Turning to the claims against defendants Krieg, Keller, Sloan, Reilley, & Roman, LLC, Herman, Krieg, Fields, and Cooper, our review is de novo, and we affirm because the district court correctly ruled that there is nothing tortious about making a truthful report to the State Bar of a court order concerning a lawyer.

DISMISSED in part; AFFIRMED in part.