

MAY 19 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN A. GUIDICE,

Plaintiff - Appellant,

v.

JAMES L. PRIEST; INDYNE, INC.,
named as Indyne/WROIC,

Defendants - Appellees.

No. 13-56240

D.C. No. 2:13-cv-01856-MWF-
JEM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted May 13, 2015**

Before: LEAVY, CALLAHAN, and M. SMITH, Circuit Judges.

John A. Guidice appeals pro se from the district court's judgment dismissing his defamation action arising from events that occurred on Vandenberg Air Force Base. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a

* 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).

dismissal for failure to state a claim, *Pride v. Correa*, 719 F.3d 1130, 1133 (9th Cir. 2013), and we affirm.

The district court properly dismissed Guidice’s defamation claim because Priest’s statement that Guidice shouted is not actionable. *See Taus v. Loftus*, 151 P.3d 1185, 1209 (Cal. 2007) (setting forth elements of a defamation claim and explaining that an expression of opinion cannot form the basis of a defamation action); *Grillo v. Smith*, 193 Cal. Rptr. 414, 417 (Ct. App. 1983) (“The words ‘angry,’ ‘shouted,’ [and] ‘stormed,’ . . . fall clearly on the opinion side of the line. They are subjective words . . . of the sort which have been found to be opinion as a matter of law frequently in the past.”).

AFFIRMED.