

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 21 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

DANITA CHRISTIE,

No. 15-55982

Plaintiff-Appellant,

D.C. No. 2:14-cv-08993-RGK-  
FFM

v.

MARK A. LESTER; et al.,

MEMORANDUM\*

Defendants-Appellees.

Appeal from the United States District Court  
for the Central District of California  
R. Gary Klausner, District Judge, Presiding

Submitted March 8, 2017\*\*

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Danita Christie appeals pro se from the district court's judgment dismissing Christie's diversity action alleging malicious prosecution. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's grant of a motion to strike under California's anti-Strategic Litigation Against Public Policy ("anti-

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\* 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).

SLAPP”) statute. *Manufactured Home Cmty., Inc. v. County of San Diego*, 655 F.3d 1171, 1176 (9th Cir. 2011). We affirm.

The district court properly granted defendants’ special motion under California’s anti-SLAPP statute to strike Christie’s malicious prosecution claims because Christie’s claims were based on protected activity and Christie failed to show a probability of prevailing on the merits, as Christie did not show defendants lacked probable cause for the breach of trust claim regarding trust distributions. *See Roberts v. McAfee, Inc.*, 660 F.3d 1156, 1163 (9th Cir. 2011) (outlining two-prong test for anti-SLAPP motion, and explaining that lack of probable cause is a necessary element of a malicious prosecution claim).

We reject as without merit Christie’s contention that the district court should have dismissed the Montana state court order.

All pending requests are denied.

**AFFIRMED.**