

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 18 2018

FOR THE NINTH CIRCUIT

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

STEPHEN YAGMAN,

Plaintiff-Appellee,

v.

JOSEPH CURTIS EDMONDSON,

Defendant,

and

MICHAEL J. COLELLO,

Defendant-Appellant.

No. 17-55384

D.C. No. 2:15-cv-07210-DSF-SS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted May 15, 2018**

Before: SILVERMAN, BEA, and WATFORD, Circuit Judges.

Michael J. Colello appeals from the district court's order denying his motion

* 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).

for attorney's fees. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Graham–Sult v. Clainos*, 756 F.3d 724, 751 (9th Cir. 2014). We affirm.

The district court did not abuse its discretion by denying Colello's motion for attorney's fees under Cal. Civ. Proc. Code § 425.16(c) because Colello failed to establish adequately the hours reasonably spent preparing the anti-SLAPP motion and a reasonable hourly rate for private attorneys in the community. *See Ketchum v. Moses*, 17 P.3d 735, 745 (Cal. 2001) (“A fee request that appears unreasonably inflated is a special circumstance permitting the trial court to reduce the award or deny one altogether.” (citation and internal quotation marks omitted)).

AFFIRMED.