

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-7013

September Term, 2006

FILED ON: NOVEMBER 15, 2006

[1004541]

RICHARD M. RAYMEN AND
STEVEN P. HANSEN,

APPELLANTS

v.

UNITED SENIORS ASSOCIATION, INC. D/B/A USA NEXT, AND
MARK MONTINI,

APPELLEES

Appeal from the United States District Court
for the District of Columbia
(No. 05cv00486)

Before: GARLAND and BROWN, *Circuit Judges*, and WILLIAMS, *Senior Circuit Judge*.

J U D G M E N T

This cause was considered on the record from the United States District Court for the District of Columbia, and was briefed and argued by counsel. It is

ORDERED AND ADJUDGED that the judgment of the District Court be affirmed substantially for the reasons stated by the district court in its memorandum opinion filed January 20, 2006. *See Raymen v. United Senior Ass'n*, 409 F. Supp. 2d 15 (D.D.C. 2006). The District Court's conclusion that appellants' allegations fail to state a claim under Oregon law is well-reasoned and, affirming on that ground, we need not reach the question whether any of appellants' claims would be barred by the First Amendment. Moreover, we find that the District Court did not rely on material outside the complaint and therefore properly applied the Rule 12(b)(6) standard. *See* FED. R. CIV. P. 12(b).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The clerk is directed to withhold issuance of the mandate herein until seven days after the resolution of any timely petition for rehearing or rehearing en banc. *See* FED. R. APP. P. 41(b); D.C. CIR. R. 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY:

Michael C. McGrail

Deputy Clerk