

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-13835
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 25, 2010 JOHN LEY ACTING CLERK
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D. C. Docket No. 08-01257-CV-BBM-1

JOHN RUSSO,

Plaintiff-Appellant,

versus

OFFICE DEPOT, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(January 25, 2010)

Before TJOFLAT, HULL and FAY, Circuit Judges.

PER CURIAM:

In this appeal, John Russo challenges the district court's June 26,

2009 order granting summary judgment on his claims for breach of contract and unjust enrichment. He contends that material issues of fact remain that are sufficient to establish a case for the jury on both claims. Regarding his breach of contract claim, he argues that the record before the district court precluded its determinations, among others, that the evidence was insufficient to establish the alleged contract because the evidence failed to show (1) a meeting of the minds between the parties, (2) the terms of the contract , and (3) adequate consideration for Office Depot's purported promises.

We have carefully considered the record in this case and, for the reasons the district court stated in its June 26 order, find no merit in either of Russo's claims. The judgment of the district court is, accordingly,

AFFIRMED.