

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 29 2018

FOR THE NINTH CIRCUIT

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

GLOBAL EBUSINESS SERVICES, INC.;
SYED NAZIM ALI,

Plaintiffs-Appellants,

v.

INTERACTIVE BROKERS LLC,

Defendant-Appellee.

No. 17-17260

D.C. No. 3:16-cv-01264-JD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
James Donato, District Judge, Presiding

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

Syed Nazim Ali appeals pro se from the district court's judgment denying a petition to vacate an arbitration award entered against Global eBusiness Services, Inc., and granting Interactive Brokers LLC's motion to confirm the award. We have jurisdiction under 28 U.S.C. § 1291. We dismiss in part and affirm in part.

* 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).

On June 13, 2018, this court ordered new counsel for appellant Global eBusiness Services, Inc., to file a notice of appearance within 14 days. The order warned that failure to comply would result in the automatic dismissal of the appeal by the Clerk of the Court. To date, no new counsel has filed a notice of appearance. Accordingly, this appeal is dismissed for failure to prosecute as to Global eBusiness Services, Inc. *See* 9th Cir. R. 42-1.

We do not consider Ali's contentions on behalf of Global eBusiness Services, Inc. because Ali, who is appearing pro se, may not represent a corporation. *See C.E. Pope Equity Tr. v. United States*, 818 F.2d 696, 697 (9th Cir. 1987).

The district court properly dismissed Ali because he was not a party to the underlying arbitration proceeding, and lacks statutory standing to challenge the arbitration. *See* 9 U.S.C. § 10(a) (enumerating grounds on which the district court may vacate an arbitral award "upon the application of any party to the arbitration").

Ali's motion to supplement the record (Docket Entry No. 31) is denied.

DISMISSED in part and AFFIRMED in part.