

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 21 2021

FOR THE NINTH CIRCUIT

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

JAMES K. SONG; et al.,

No. 19-17450

Plaintiffs-Appellants,

D.C. No. 5:18-cv-06283-LHK

ADAM E. ENGEL,

MEMORANDUM*

Appellant,

v.

AARON DRENBURG,

Defendant-Appellee,

and

ALEXA PETTINARI; MARK L.
PETTINARI,

Defendants.

Appeal from the United States District Court
for the Northern District of California
Lucy H. Koh, District Judge, Presiding

Submitted June 16, 2021**
San Francisco, California

* 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).

Before: SCHROEDER, M. SMITH, and VANDYKE, Circuit Judges.

Plaintiffs-Appellants James K. Song, FaircapX, Inc., Mithrandir, Inc., Faircap Partners, LLC, and Faircap Angels, Inc., and Appellant Adam E. Engel, appeal various discovery rulings after Plaintiffs-Appellants voluntarily dismissed their case without prejudice before the district court.¹ Our jurisdiction under 28 U.S.C. § 1291 extends only to appeals from “final decisions.” We lack jurisdiction over this appeal because a voluntary dismissal without prejudice is generally not a final judgment, *see Galaza v. Wolf*, 954 F.3d 1267, 1270 (9th Cir. 2020) (“We have ... ruled that a voluntary dismissal *without prejudice* is ordinarily *not a* final judgment from which the plaintiff may appeal.” (emphasis in original) (citation and internal quotation marks omitted)), and no exception to that general rule applies here. *See id.* at 1272; *see also James v. Price Stern Sloan, Inc.*, 283 F.3d 1064, 1070 (9th Cir. 2002).

Moreover, the discovery rulings challenged by appellants are not immediately appealable under the collateral order doctrine. *See Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 103, 113 (2009); *Cunningham v. Hamilton County*, 527 U.S. 198, 200, 210 (1999); *Sali v. Corona Reg’l Med. Ctr.*, 884 F.3d 1218, 1221 n.3, 1221–22 (9th Cir. 2018); *Admiral Ins. Co. v. U.S. Dist. Ct. for Dist. of Arizona*, 881 F.2d 1486, 1490 (9th Cir. 1989).

¹ Because the parties are familiar with the facts, we recite them here only as necessary.

Accordingly, we dismiss this appeal for lack of jurisdiction.

DISMISSED.