

FILED

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: APPLICATION OF KARAM
SALAH AL DIN AWNI AL SADEQ
AND STOKOE PARTNERSHIP
SOLICITORS,

KARAM SALAH AL DIN AWNI AL
SADEQ AND STOKOE PARTNERSHIP
SOLICITORS,

Appellant,

v.

DECHERT LLP; et al.,

Appellees.

No. 21-16126

D.C. No. 3:20-mc-80224-SK

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Sallie Kim, Magistrate Judge, Presiding

Argued and Submitted January 19, 2022
San Francisco, California

Before: W. FLETCHER, GOULD, and COLLINS, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Appellants Karam Salah Al Din Awni Al Sadeq and Stokoe Partnership Solicitors appeal from a magistrate judge's denial of (1) their *ex parte* application for an order under 28 U.S.C. § 1782 to conduct discovery for use in foreign proceedings, and (2) their motion for leave to file a motion for reconsideration. We dismiss the appeal and remand to the district court.

Appellants' § 1782 application was assigned to a magistrate judge without referral from a district judge. The magistrate judge issued an order denying the application. Appellants moved for leave to file a motion for reconsideration, and the magistrate judge issued an order summarily denying the motion.

Appellants concede in their supplemental briefing to this court that neither of the magistrate judge's orders is final and therefore appealable. No district court judge ever acted on either order. *See Ashker v. Newsom*, 968 F.3d 975, 980–81, 985 (9th Cir. 2020); 28 U.S.C. §§ 636(b)–(c), 1291 (authorizing district judges, not courts of appeal, to review non-final magistrate judge determinations where parties did not consent to magistrate jurisdiction). We therefore lack jurisdiction to review the appeal.

DISMISSED AND REMANDED.