

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 16 2023

FOR THE NINTH CIRCUIT

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

KENNETH MOSER, dba Marketing Support
Systems,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION; UNITED STATES OF
AMERICA,

Respondents.

No. 21-70099

FCC No. EB-TCD-18-00028267

MEMORANDUM*

On Petition for Review of an Order of the
Federal Communications Commission

Submitted March 16, 2023**

Before: WALLACE, D. NELSON, and FERNANDEZ, Circuit Judges.

Kenneth Moser seeks review of a forfeiture order issued by the Federal Communications Commission (“FCC”), holding that Moser, doing business as Marketing Support Systems, violated the Truth in Caller ID Act of 2009, 47 U.S.C.

* 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).

§ 227(e), by conducting a large-scale robocalling campaign using false caller identification information to display a number belonging to a business rival. We dismiss the appeal for lack of jurisdiction.

The district court has exclusive jurisdiction over the petition because Moser seeks to avoid enforcement of a forfeiture order. *See* 47 U.S.C. § 504(a) (“The forfeitures provided for in this chapter . . . shall be recoverable . . . in a civil suit in the name of the United States brought in the district where the person or carrier has its principal operating office[.]”); *Dougan v. F.C.C.*, 21 F.3d 1488, 1491 (9th Cir. 1994) (“We hold that 47 U.S.C. § section 504(a) vests exclusive jurisdiction in the district courts to hear enforcement suits by the government, *and* suits by private individuals seeking to avoid enforcement.”).

DISMISSED.