

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 20 2023

FOR THE NINTH CIRCUIT

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

MICHAEL DAVID STORMAN,

No. 22-15860

Plaintiff-Appellant,

D.C. No. 2:20-cv-00907-KJM-CKD

v.

MEMORANDUM*

ALTA REGIONAL CENTER,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted April 17, 2023**

Before: CLIFTON, R. NELSON, and BRESS, Circuit Judges.

Michael David Storman appeals pro se from the district court's judgment dismissing without prejudice his action alleging federal age and disability discrimination claims. We dismiss for lack of jurisdiction.

We lack jurisdiction to review the dismissal because Storman voluntarily

* 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).

dismissed his action without prejudice. *See Concha v. London*, 62 F.3d 1493, 1507 (9th Cir. 1995) (“A voluntary dismissal *without prejudice* is ordinarily *not* a final judgment from which the plaintiff may appeal.”); *see also WMX Techs., Inc. v. Miller*, 104 F.3d 1133, 1135 (9th Cir. 1997) (en banc) (jurisdiction must be raised sua sponte).

DISMISSED.