

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 5 2023

FOR THE NINTH CIRCUIT

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

HARRY J. WILLIBY,

Plaintiff-Appellant,

v.

SERGEY BRIN; LARRY PAGE; PICHAI
SUNDARARAJAN, AKA Sundar Pichai;
ERIC SCHMIDT, DBA Alphabet, Inc;
GOOGLE LLC; YOUTUBE, LLC, DBA
Blogger, DBA Google Adsense; MARK
ZUCKERBERG; JEFF BEZOS, DBA
Amazon.com, Inc.; ALPHABET HOLDING
CORPORATION; FACEBOOK, INC.;
AMAZON.COM, INC.,

Defendants-Appellees.

No. 22-16106

D.C. No. 3:22-cv-01271-VC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Vince Chhabria, District Judge, Presiding

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

* 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).

Harry J. Williby appeals pro se from the district court’s judgment dismissing for lack of subject matter jurisdiction his action arising from a purported antitrust conspiracy. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Carolina Cas. Ins. Co. v. Team Equip., Inc.*, 741 F.3d 1082, 1086 (9th Cir. 2014). We affirm.

The district court properly dismissed Williby’s action because Williby failed to establish federal subject matter jurisdiction. *See Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 89 (1998) (explaining that an action may be dismissed for lack of subject matter jurisdiction where the alleged federal claim is “wholly insubstantial and frivolous” (citations omitted)); *Franklin v. State of Or., State Welfare Div.*, 662 F.2d 1337, 1342 (9th Cir. 1981) (recognizing that a district court may dismiss an action sua sponte for lack of jurisdiction).

AFFIRMED.