

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 20 2026

FOR THE NINTH CIRCUIT

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

TIMOTHY FLETCHER,

Plaintiff - Appellant,

v.

META PLATFORMS, INC.; FACEBOOK,
INC.,

Defendants - Appellees,

and

UNKNOWN PARTY, Facebook
Employees; Meta Platforms Employees; US
Government Employees; Non-
Governmental Organizations; Co-
Conspirators,

Defendant.

No. 25-6896

D.C. No.

3:25-cv-02276-VC

MEMORANDUM*

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

Submitted July 15, 2026**

* 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: McKEOWN, OWENS, and LEE, Circuit Judges.

Timothy Fletcher appeals pro se from the district court's judgment dismissing his action alleging that Meta Platforms, Inc. (Meta) violated his First Amendment rights by terminating his Facebook account. We review a district court's dismissal for failure to state a claim de novo, and its decision not to hold oral argument for abuse of discretion. *Boquist v. Courtney*, 32 F.4th 764, 773 (9th Cir. 2022); *Mahon v. Credit Bureau of Placer Cnty. Inc.*, 171 F.3d 1197, 1200 (9th Cir. 1999). As the parties are familiar with the facts, we do not recount them here. We affirm.

1. The district court did not abuse its discretion when it resolved Meta's motion to dismiss without oral argument. Both the federal and local rules provided the district court with discretion to decide the motion without oral argument. *See* Fed. R. Civ. P. 78(b); N.D. Cal. Civil L.R. 7-1(b). Although a district court may abuse its discretion if the lack of oral argument would unfairly prejudice a party, *see Mahon*, 171 F.3d at 1200, Fletcher has not shown that he was prejudiced. He argues that the decision prejudiced him by "resulting in a final, with-prejudice dismissal of [his] core constitutional claims." However, an adverse ruling alone is "not sufficient to establish the required showing of prejudice." *Id.* at 1200–01. Thus, while Fletcher argues that this decision foreclosed an "opportunity to clarify legal theories," it was nevertheless within the district court's discretion to resolve

the motion on the briefs.

2. The district court properly dismissed Fletcher’s First Amendment claims. The First Amendment does not prohibit private abridgement of speech, and this court has recognized Meta as a private entity. *Child. ’s Health Def. v. Meta Platforms, Inc.*, 112 F.4th 742, 753–54 (9th Cir. 2024). Thus, Fletcher’s claims are not actionable unless he demonstrates that Meta falls within a state actor exception, such as the state coercion or joint action exceptions. *See id.*

Fletcher did not sufficiently allege that Meta was coerced by the government. Under the state coercion exception, “a plaintiff must plausibly allege conduct that, viewed in context, could be reasonably understood to convey a threat of adverse government action in order to punish or suppress the plaintiff’s speech.” *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 191 (2024). Fletcher’s complaint contained only conclusory allegations that failed to specify any act by the government designed to coerce Meta into suppressing his speech. *See generally Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (holding that “threadbare recitals of the elements of a cause of action, supported by mere conclusory statements” are not entitled to be assumed true).

Fletcher also did not sufficiently allege that Meta and the government acted jointly. Under the joint action exception, a plaintiff must plead facts “that give rise to an inference that the private entity’s particular actions are inextricably

intertwined with those of the government” and must show with “some specificity” an understanding between the parties to pursue an objective together. *Child. ’s Health Def.*, 112 F.4th at 755–56 (citation and internal quotation marks omitted). Fletcher’s complaint again failed to plead any facts substantiating his joint action allegation, and such a “bare allegation . . . will not overcome a motion to dismiss.” *DeGrassi v. City of Glendora*, 207 F.3d 636, 647 (9th Cir. 2000).

Finally, Fletcher argues that Meta should be subject to the First Amendment because Facebook is a “public forum.”¹ However, “when a private entity provides a forum for speech, the private entity is not ordinarily constrained by the First Amendment because the private entity is not a state actor.” *Manhattan Cmty. Access Corp. v. Halleck*, 587 U.S. 802, 812 (2019). Thus, Fletcher still needed to adequately allege that Meta fell within a state actor exception, which, as discussed, he failed to do.

AFFIRMED.

¹ Fletcher argues that this public forum argument is distinct from the state action doctrine’s public function exception.