

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 31 2026

FOR THE NINTH CIRCUIT

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

TIMOTHY WILLIAMS,

Plaintiff - Appellant,

v.

COSTCO WHOLESALE
CORPORATION,

Defendant - Appellee.

No. 25-464

D.C. No. 1:24-cv-00028-DKW-
WRP

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Derrick Kahala Watson, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Timothy Williams appeals pro se from the district court's summary judgment in his diversity action alleging Costco Wholesale Corporation ("Costco") improperly cancelled his membership. We have jurisdiction under 28 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).

§ 1291. We review de novo. *Hawn v. Exec. Jet Mgmt., Inc.*, 615 F.3d 1151, 1155 (9th Cir. 2010). We affirm.

The district court properly granted summary judgment because Williams failed to raise a genuine dispute of material fact as to whether Costco owed him a duty. *See Molfino v. Yuen*, 339 P.3d 679, 682-83 (Haw. 2014) (explaining that “[a] prerequisite to any negligence action is the existence of a duty owed by the defendant to the plaintiff” and setting forth the requirements for recognizing a new duty).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.