NOT FOR PUBLICATION

FILED

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GOVERNMENTGPT, INC.; RAJ ABHYANKER, Individually and on Behalf of All Other Taxpayers Similarly Situated,

Plaintiffs - Appellants,

v.

AXON ENTERPRISE, INC., formerly doing business as Taser International Incorporated,

Defendant - Appellee,

MICROSOFT CORPORATION, SAFARILAND, LLC,

Defendants.

No. 25-2908

D.C. No. 2:24-cv-01869-SMB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan M. Brnovich, District Judge, Presiding

Submitted October 27, 2026**

Before: SILVERMAN, FORREST, and VANDYKE, 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).

GovernmentGPT, Inc. ("GovGPT") and Raj Abhyanker appeal from the district court's judgment awarding sanctions in their antitrust action. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the district court's decision to impose sanctions. *Lasar v. Ford Motor Co.*, 399 F.3d 1101, 1109 (9th Cir. 2005). We affirm.

The district court did not abuse its discretion by awarding attorney's fees as a sanction against Abhyanker. *See Leon v. IDX Sys. Corp.*, 464 F.3d 951, 961 (9th Cir. 2006) (holding that a district court may award sanctions in the form of attorney's fees against counsel who acts in bad faith, vexatiously, wantonly, or for oppressive reasons); *see also Edmo v. Corizon, Inc.*, 97 F.4th 1165, 1168 (9th Cir. 2024) (explaining that the district court has broad discretion in calculating attorney's fees and that the lodestar figure is treated as a presumptive reasonable award). Contrary to Abhyanker's contentions, the district court provided adequate process before imposing the sanctions. *See Lasar*, 399 F.3d at 1112 (explaining that civil monetary sanction "need only be preceded by notice and an opportunity to be heard").

The district court did not abuse its discretion in striking the declaration of Gibbons. *See Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 403-04 (9th Cir. 2010) (setting forth standard of review and explaining that district courts have the inherent power to control their dockets, including the power to strike filings

from the docket).

We lack jurisdiction to review the district court's interlocutory orders because GovGPT voluntarily dismissed the case without prejudice and did so without the approval and meaningful participation of the district court. *See Galaza v. Wolf*, 954 F.3d 1267, 1272 (9th Cir. 2020) (holding that "when a party that has suffered an adverse partial judgment subsequently dismisses any remaining claims without prejudice, and does so without the approval and meaningful participation of the district court, this court lacks jurisdiction under 28 U.S.C. § 1291"); *Concha v. London*, 62 F.3d 1493, 1506-07 (9th Cir. 1995) (explaining that "voluntary dismissal without prejudice is ordinarily not a final judgment from which the plaintiff may appeal" and that the rules of appealability are generally the same for dismissals under Federal Rule of Civil Procedure 41(a)(1) and (a)(2)).

We reject as unsupported by the record plaintiffs' contention that the district judge was biased against them.

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

All pending requests are denied.

AFFIRMED.