

Appendix

Appendix A

(Order of the Court of Appeal - 9th Circuit)

NOT FOR PUBLICATION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

ORIGINAL

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).

ORIGINAL

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.

Appendix

Appendix B

(Order/Judgement of the District Court)

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HARRY J. WILLIBY,
Plaintiff,

v.

SERGEY BRIN, et al.,
Defendants.

Case No. 22-cv-01271-VC

**ORDER DISMISSING CASE FOR
LACK OF SUBJECT MATTER
JURISDICTION**

The plaintiff, Harry Williby, has filed multiple pro se lawsuits in this district, often against major Silicon Valley figures or entities. *See, e.g., Williby v. Alphabet Corporation*, No. 4:18-cv-04903-JST; *Williby v. Alphabet Corporation*, No. 4:18-cv-5986-JST; *Williby v. Zuckerberg*, No. 3:18-cv-06295-JD; *Williby v. Brin*, No. 3:21-cv-02210-VC; *Williby v. Hearst Corporation*, No. 5:15-cv-02538-EJD. This time, he has filed a lawsuit against Sergey Brin, Larry Page, Pichai Sundararajan, Eric Schmidt, Google LLC, YouTube LLC, Mark Zuckerberg, Jeff Bezos, Alphabet Holding Corporation, Facebook, Inc., and Amazon.com, Inc. alleging a wide-ranging antitrust conspiracy. That lawsuit is dismissed for lack of jurisdiction as frivolous. *See Fed. R. Civ. P. 12(b)(1); Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 89 (1998). Leave to amend is not granted, and no further filings will be accepted in the case. The remaining motions are denied as moot.

IT IS SO ORDERED.

Dated: June 23, 2022



VINCE CHHABRIA
United States District Judge

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HARRY J. WILLIBY,
Plaintiff,

v.

SERGEY BRIN, et al.,
Defendant.

22-cv-01271-VC

JUDGMENT

The Court enters judgment in accordance with the order at Dkt. No. 22. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

Dated: June 23, 2022



VINCE CHHABRIA
United States District Judge