NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROCKY BIXBY; LAWRENCE ROBERTA; RONALD BJERKLUND; CHARLES ELLIS; MATTHEW HADLEY; COLT CAMPREDON; VITO PACHECO; BRIAN HEDIN; CHARLES SEAMON; AARON ST. CLAIR; BYRON GREER; JASON ARNOLD, Plaintiffs-Appellees, v. KBR, INC.; KELLOGG, BROWN & ROOT SERVICE, INC., Defendants-Appellants.	Nos. 15-35702 15-35801 D.C. No. 3:09-cv-00632-PK MEMORANDUM[*]

Appeal from the United States District Court
for the District of Oregon
Paul J. Papak II, Magistrate Judge, Presiding

Submitted April 22, 2016[**]
San Francisco, California

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[*]   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: W. FLETCHER and HURWITZ, Circuit Judges, and WALTER,[***] District Judge.

We have jurisdiction under 28 U.S.C. § 1291 because the district court's dismissal of this case was a "final decision." This Court's previous decision held that the United States District Court for the District of Oregon lacked personal jurisdiction over Defendants. *Bixby v. KBR, Inc.*, 603 F. Appx. 605 (9th Cir. 2015) (mem.). That decision vacated the district court's judgment. *See, e.g., Orff v. United States*, 358 F.3d 1137, 1149–50 (9th Cir. 2004) ("[T]he district court never had jurisdiction to issue its rulings on the merits . . . . We must therefore vacate as nullities the district court's rulings."). Accordingly, this appeal is governed by Federal Rule of Appellate Procedure 39(a)(4). Because this Court has not ordered the taxation of the costs for which Defendants sought an award in the district court, the district court was correct to deny the motion for costs.

The motion to strike is denied as moot.

AFFIRMED.

[***] The Honorable Donald E. Walter, United States District Judge for the Western District of Louisiana, sitting by designation.