

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 27 2019

FOR THE NINTH CIRCUIT

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

HARRY J. WILLIBY,

Plaintiff-Appellant,

v.

ALPHABET INC., DBA Blogger, DBA
Google Adsense, DBA Google, Inc., DBA
YouTube, LLC; et al.,

Defendants-Appellees.

No. 18-17328

D.C. No. 3:18-cv-05986-JST

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jon S. Tigar, District Judge, Presiding

Submitted August 19, 2019**

Before: SCHROEDER, PAEZ, and HURWITZ, Circuit Judges.

Harry J. Williby appeals pro se from the district court's order dismissing his action alleging federal and state law claims in connection with the operation of his YouTube channels. We have jurisdiction under 28 U.S.C. § 1291. We review for

* 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). Williby's request for oral argument, set forth in the opening brief, is denied.

an abuse of discretion a dismissal under Fed. R. Civ. P. 41(b). *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion by dismissing Williby's action because Williby failed to cure the deficiencies in his complaint, as ordered. *See id.* at 1260-63 (setting forth factors for determining whether a pro se action should be dismissed under Rule 41(b) and requiring a definite and firm conviction that the trial court committed a clear error of judgment in order to overturn such a dismissal).

Williby's contention that Judge Tigar should have recused himself is unpersuasive.

Williby's motion for judicial notice, or in the alternative, to supplement the record on appeal, is denied as unnecessary.

AFFIRMED.