

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 23 2022

FOR THE NINTH CIRCUIT

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

WILLIAM H. GILLIAM, Individually, as  
Personal Representative ESTATE VIVIAN  
T. LORD; and, as successor, a dissolved  
Hawaii Corporation, Pacific Rim Property  
Service Corporation,

Plaintiff-Appellant,

v.

PORTER MCGUIRE KIAKONA & CHOW,  
LLP,

Defendant-Appellee.

No. 21-16097

D.C. No. 1:20-cv-00372-JMS-KJM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
J. Michael Seabright, District Judge, Presiding

Submitted November 15, 2022\*\*

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

William H. Gilliam appeals pro se from the district court's judgment

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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). Gilliam's requests for oral argument, set forth in the opening and reply briefs, are denied.

dismissing for lack of standing his action alleging violations of the Fair Debt Collection Practices Act (“FDCPA”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Meland v. WEBER*, 2 F.4th 838, 843 (9th Cir. 2021). We affirm.

The district court properly dismissed for lack of standing Gilliam’s FDCPA claim because Gilliam failed to allege facts sufficient to establish an injury in fact as required for Article III standing. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992) (explaining that constitutional standing requires an “injury in fact,” causation, and redressability; “injury in fact” refers to “an invasion of a legally protected interest which is (a) concrete and particularized . . . and (b) actual or imminent” (citation and internal quotation marks omitted)).

The district court did not abuse its discretion by dismissing Gilliam’s action without leave to amend because amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile).

We reject as meritless Gilliam’s contention that he is the owner of the condominium property at issue in this action.

Gilliam’s opposed motion for miscellaneous relief (Docket Entry No. 34) is denied. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (explaining

that arguments or allegations raised for the first time on appeal are not considered); *United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990) (explaining that documents and facts not presented to the district court are not considered on appeal).

**AFFIRMED.**