
Ninth Circuit Holds that Anti-SLAPP Denials are Not Immediately Appealable

Date: 01/15/26

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On October 9, 2025, the Ninth Circuit Court of Appeals, sitting *en banc*, held that a district court's denial of a motion to strike under California's anti-SLAPP statute is not immediately appealable under the collateral order doctrine (which permits immediate appeal of certain non-final matters and provides an exception to the general rule that appellate jurisdiction is limited to appeals of final orders). In *Gopher Media LLC v. Melone*, the Ninth Circuit dismissed such an order from the United States District Court for the Southern District of California for lack of jurisdiction. The Ninth Circuit held that denials of anti-SLAPP motions are not completely separable from the merits and therefore do not satisfy the requirements for an interlocutory appeal under the collateral order doctrine. This holding overturned prior Ninth Circuit precedent to the contrary.

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