

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 27 2011

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

ABRAM RODRIGUEZ,

Plaintiff - Appellee,

v.

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION LOCAL 29 and
INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION,

Defendants - Appellants.

No. 09-56915

D.C. No. 3:08-cv-00433-H-BLM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

Argued and Submitted June 6, 2011
Pasadena, California

Before: B. FLETCHER and N.R. SMITH, Circuit Judges, and GWIN, District
Judge.**

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable James S. Gwin, District Judge for the U.S. District Court for
Northern Ohio, Cleveland, sitting by designation.

International Longshore and Warehouse Union and its Local Chapter 29 (collectively “Appellants”) appeal the district court’s denial of sanctions against Abram Rodriguez and his counsel Derek Anderson. Appellants moved for sanctions pursuant to 28 U.S.C. § 1927 and the court’s inherent power, after the district court granted them summary judgment on Rodriguez’s underlying claim that Appellants violated Rodriguez’s rights under the Labor-Management Reporting and Disclosure Act (LMRDA). Appellants claimed Anderson improperly filed a separate lawsuit against Appellants’ counsel, threatened Appellants’ with criminal liability, and used a lawsuit by Rodriguez’s brother to leverage settlement. We have jurisdiction pursuant to 28 U.S.C. § 1291 and we AFFIRM.

The district court’s three page order, denying the motion for sanctions under both theories, acknowledged the Appellants arguments and cited controlling case law. The district court did not abuse its discretion when it did not find subjective bad faith on the part of the plaintiffs, did not make illogical, implausible, or unsupported findings, and denied Appellants’ motion for sanctions. *Air Separation, Inc. v. Underwriters at Lloyd’s of London*, 45 F.3d 288, 291 (9th Cir. 1995).

AFFIRMED.