

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 29 2021

FOR THE NINTH CIRCUIT

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

LORIANN ANDERSON; et al.,

No. 19-35871

Plaintiffs-Appellants,

D.C. No. 3:18-cv-02013-HZ

and

MEMORANDUM*

KERRIN FISCUS,

Plaintiff,

v.

SERVICE EMPLOYEES
INTERNATIONAL UNION (SEIU)
LOCAL 503, OREGON PUBLIC
EMPLOYEES UNION (OPEU), labor
organization; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Oregon
Marco A. Hernandez, District Judge, Presiding

Submitted July 19, 2021**

* 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: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

Loriann Anderson, Kenneth Hill, Rene Layton, Michael Miller, Bernard Perkins, Dennis Richey, Kathie Simmons, Kent Wiles, and Melinda Wiltse appeal from the district court's judgment in their 42 U.S.C. § 1983 putative class action alleging a First Amendment claim arising out of union membership dues. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal under Federal Rule of Civil Procedure 12(b)(6). *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998 (9th Cir. 2010). We affirm.

The parties agree that this court's intervening decision in *Belgau v. Inslee*, 975 F.3d 940 (9th Cir. 2020), *cert. denied*, No. 20-1120, 2021 WL 2519114 (June 21, 2021), controls the outcome of this appeal. We affirm the district court's judgment dismissing plaintiffs' action for failure to state a claim. *See Belgau*, 975 F.3d at 946-69 (discussing state action), 950-52 (concluding that the Supreme Court's decision in *Janus v. American Federation of State, County & Municipal Employees, Council 31*, 138 S. Ct. 2448 (2018), did not extend a First Amendment right to avoid paying union dues that were agreed upon under validly entered union membership agreements).

Plaintiffs' motion for summary affirmance, set forth in their reply brief, is denied.

AFFIRMED.