

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 28 2026

FOR THE NINTH CIRCUIT

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

STACI TREES, an individual,

Plaintiff - Appellant,

v.

SERVICE EMPLOYEES
INTERNATIONAL UNION LOCAL 503,
OPEU, a labor organization; KATY COBA,
in her official capacity as Director of the
Oregon Department of Administrative
Services; OREGON DEPARTMENT OF
ADMINISTRATIVE SERVICES,

Defendants - Appellees.

No. 25-1155

D.C. No.
6:21-cv-00468-SI

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael H. Simon, District Judge, Presiding

Argued and Submitted September 16, 2026
Portland, Oregon

Before: W. FLETCHER, FRIEDLAND, and DE ALBA, Circuit Judges.

Staci Trees appeals the district court's orders dismissing Katy Coba and the Oregon Department of Administrative Services (collectively, "State Defendants")

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

and granting judgment on the pleadings to Service Employees International Union Local 503, OPEU (“SEIU”). We have jurisdiction under 28 U.S.C. § 1291. Reviewing de novo, *Garcia v. County of Alameda*, 150 F.4th 1224, 1229 (9th Cir. 2025); *Gearhart v. Thorne*, 768 F.2d 1072, 1073 (9th Cir. 1985), we affirm.

1. The district court correctly held that Trees lacked Article III standing to bring claims for prospective relief against the State Defendants. To show standing to bring such claims, Trees must demonstrate a threat of injury that is “actual and imminent, not conjectural or hypothetical.” *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009). Where standing is premised solely on the threat of repeated injury, as here, Trees must “show that [s]he faces a ‘real or immediate threat . . . that [s]he will again be wronged in a similar way.’” *Mayfield v. United States*, 599 F.3d 964, 970 (9th Cir. 2010) (quoting *City of Los Angeles v. Lyons*, 461 U.S. 95, 111 (1983)).

Trees asserts that she faces an immediate threat of injury in that the State Defendants will unlawfully withhold union dues from her paycheck at the direction of SEIU—as she claims the State Defendants had previously done between December 2020 and February 2021. But SEIU has taken steps to avoid any risk of erroneously re-enrolling Trees in the State’s union-dues deduction system. And the State Defendants have not in fact withdrawn dues from Trees’s paycheck for more than five years. We cannot conclude that injury is “certainly impending”

under these circumstances. *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 401-02 (2013). Because Trees has not shown more than a “conjectural” risk, *id.* at 412, that she will be wronged by the State Defendants in the future, she lacks standing to assert claims for prospective relief against the State Defendants.

2. We also affirm the district court’s entry of judgment on the pleadings in favor of SEIU. Each of Trees’s claims against SEIU relies on the factual premise that SEIU forged Trees’s signature on her 2016 membership and dues agreement. But that factual issue was litigated and decided adversely to Trees in the Oregon Employment Relations Board (“ERB”) proceeding, and the district court properly concluded that Trees was collaterally estopped from challenging the ERB’s determination.

In federal court, “[s]tate administrative agency decisions . . . receive the same preclusive effect that they would receive in state court.” *Bahra v. County of San Bernardino*, 945 F.3d 1231, 1234 (9th Cir. 2019). Applying Oregon law, the ERB’s findings are entitled to preclusive effect because (1) the issues the ERB decided (*i.e.*, that the 2016 agreement was valid because Trees’s signature was not forged, and therefore, that Trees’s subsequent attempts to revoke consent were ineffective under the agreement’s irrevocability provisions) are identical to the issues raised in each of Trees’s claims; (2) the validity of the 2016 agreement was actually litigated before the ERB and was essential to its resolution of the dues

dispute between Trees and SEIU; (3) Trees had a full and fair opportunity to be heard before the ERB; (4) Trees was a party to the ERB proceeding; (5) the ERB proceeding was the type of proceeding to which an Oregon court would give preclusive effect; and (6) it would not be unfair to apply issue preclusion under these circumstances. *See Nelson v. Emerald People's Util. Dist.*, 862 P.2d 1293, 1296-97 (Or. 1993) (setting forth requirements for issue preclusion under Oregon law).

We are unpersuaded by Trees's contention that she lacked a full and fair opportunity to litigate before the ERB because discovery there was more limited than that available in federal court. *See Hickey v. Settlemier*, 841 P.2d 675, 677 (Or. Ct. App. 1992) (holding that the plaintiff had adequate opportunity to litigate in agency proceedings where he had incentive to litigate and "[h]e was represented by counsel and was allowed to call and cross-examine witnesses[, t]here [was] a transcript of the proceedings, there was a neutral factfinder[,] and the final order was subject to judicial review"), *rev'd in part on other grounds*, 864 P.2d 372 (Or. 1993). Trees concedes that she "agreed to exchange documents [with SEIU] through request in lieu of" taking advantage of ERB's discovery tools, which would have included the opportunity to issue subpoenas. *See Dodd v. Hood River County*, 136 F.3d 1219, 1226-27 (9th Cir. 1998) (applying Oregon issue preclusion

law and holding that a party’s “own failure” to take advantage of procedural tools “should not enable them to avoid the operation of” issue preclusion).

Trees’s remaining arguments are without merit. She cites no apposite authority in support of her claim that issue preclusion, as applied here, violates the First Amendment. Similarly, Trees’s Seventh Amendment jury-trial right is not infringed by giving issue-preclusive effect to the ERB’s findings. *See B & B Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138, 150 (2015) (“[T]he Seventh Amendment does not strip competent tribunals of the power to issue judgments with preclusive effect; that logic would not seem to turn on the nature of the competent tribunal.”). And the ERB’s exercise of jurisdiction over dues disputes does not create a “preclusion trap” under *Knick v. Township of Scott*, 588 U.S. 180 (2019). Oregon law—unlike the state-forum exhaustion requirement overruled in *Knick*—does not require plaintiffs with a category of constitutional claims to exhaust their claims in state proceedings as a prerequisite to bringing a § 1983 action. *Knick*, 588 U.S. at 184-85.

AFFIRMED.