

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 1 2026

FOR THE NINTH CIRCUIT

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

ANTOINETTE MORAE,

Plaintiff - Appellant,

v.

NIKE, INC., A Corporation,

Defendant - Appellee,

DOES, 1-50 Inclusive,

Defendant.

No. 25-2423

D.C. No.

3:23-cv-00541-MO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Argued and Submitted September 14, 2026
Portland, Oregon

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

Antoinette Morae appeals from the district court's grant of summary judgment in favor of Nike, Inc., on her religious accommodation claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1), and Oregon's

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

parallel state statute prohibiting religious discrimination, Or. Rev. Stat.

§ 659A.030(1)(a). We have jurisdiction under 28 U.S.C. § 1291. As the parties are familiar with the facts, we do not recount them here. We affirm.

Title VII and the parallel Oregon statute require employers to accommodate employees' religious observances and practices unless doing so imposes an undue hardship. *See* 42 U.S.C. § 2000e(j); Or. Rev. Stat. § 659A.030(1)(a); *Detwiler v. Mid-Columbia Med. Ctr.*, 156 F.4th 886, 893 (9th Cir. 2025) (analyzing Title VII and § 659A.030(1)(a) claims in tandem). To establish a prima facie case of religious discrimination under Title VII, an employee must show that she “had a bona fide religious belief, the practice of which conflicts with an employment duty.” *Peterson v. Hewlett-Packard Co.*, 358 F.3d 599, 606 (9th Cir. 2004).

Morae contends that she has raised a genuine dispute of material fact as to whether her objection to Nike's Covid-19 vaccination requirement was based on a sincere religious belief. But under our recent precedent, her belief does not qualify as religious as a matter of law. In *Detwiler v. Mid-Columbia Medical Center*, we held that “[a] plaintiff seeking a religious exemption must plead a sufficient nexus between her religion and the specific belief in conflict with the work requirement,” and that “[i]nvocations of broad, religious tenets cannot, on their own, convert a secular preference into a religious conviction.” 156 F.4th at 895. The plaintiff-appellant in *Detwiler* objected to Covid-19 antigen testing on the grounds that her

body was a temple of the Holy Spirit and that she had determined, through prayer and the guidance of the Holy Spirit, that she should not submit to testing with materials she believed were carcinogenic. *Id.* at 891. We concluded that, though her general belief that her body is a temple might be religious, her specific objection to testing rested on a “personal[] medical judgment[]” about harm. *Id.* at 896–97. We held that “her secular judgment offer[ed] the sole basis of her objection” and that she therefore failed to establish a religious belief as a matter of law. *Id.* at 895. Crediting such “secular objection[s]” that are accompanied “by a minimal reference to prayer as religious” would provide individuals with “a limitless excuse for avoiding all unwanted obligations.” *Id.* at 897 (internal quotations omitted).

Although *Detwiler* concerned Covid-19 antigen testing, rather than vaccination, its reasoning is applicable here. Like *Detwiler*, *Morae* stated that she prayed to God, whose wisdom told her not to take the vaccine, because her body is a temple of the Holy Spirit, and that to disobey this directive would be sin. *Morae*’s stated conflict also included numerous secular concerns, including that the vaccine “is still experimental” and has unknown “long term effects.” At her deposition, *Morae* similarly testified that she opposed vaccination because of the “uncertainty of the shot,” including that it was “so new” and “experimental.” Although she also testified that she “believe[d] God did not want [her] to get [the

vaccine]” based on personal prayer, the mere “[i]nvocation of prayer, without more” is “insufficient to elevate personal medical judgments to the level of religious significance.” *Id.* at 897. Thus, under *Detwiler*, Morae’s conflict “stemmed from her secular, medical judgment rather than a bona fide religious belief.” *Id.* at 892.

At oral argument, Morae’s counsel attempted to distinguish *Detwiler* on two bases. First, Morae’s counsel argued that *Detwiler* is inapplicable because Morae’s belief derived from four Bible verses, whereas the plaintiff-appellant in *Detwiler* relied primarily on two Bible verses. Second, counsel argued that because Morae did not do any research on the secular issues with the vaccine, her objection was religious in nature.

We reject both distinctions. First, the plaintiff-appellant in *Detwiler* explicitly invoked the Bible as part of her claim. *Id.* at 892. Morae’s reliance on additional verses does not change the nature of her specific objection to the vaccine, which derived from a “personal, medical judgment[.]” about harm. *See id.* at 896–97. Second, Morae’s lack of research on secular issues with the vaccine does not change the secular nature of her objection. *See Tiano v. Dillard Dep’t Stores, Inc.*, 139 F.3d 679, 682 (9th Cir. 1998) (“Title VII does not protect secular preferences.”). As in *Detwiler*, Morae articulated a general religious belief—that

her body is a temple—but her specific objection was based on personal, secular judgments about novelty and harm.

Morae failed to raise a genuine dispute of material fact as to whether she held a sincere religious belief in conflict with Nike’s Covid-19 vaccine requirement. Therefore, we need not reach the parties’ remaining arguments as to the consistency of Morae’s beliefs. The district court correctly granted summary judgment to Nike.

AFFIRMED.