

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 3 2019

FOR THE NINTH CIRCUIT

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

KOUROSH KENNETH HAMIDI; et al.,

No. 17-15434

Plaintiffs-Appellants,

D.C. No.

v.

2:14-cv-00319-WBS-KJN

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 1000
and BETTY T. YEE,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Argued and Submitted December 18, 2018
San Francisco, California

Before: GILMAN,** PAEZ, and OWENS, Circuit Judges.

Kourosh Hamidi (“Hamidi”) appeals the district court’s order granting summary judgment in favor of appellee Service Employees International Union, Local 1000 (“SEIU Local 1000”). After the parties had filed their briefs on appeal,

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

** The Honorable Ronald Lee Gilman, United States Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, sitting by designation.

the Supreme Court issued its decision in *Janus v. American Federation of State, County, and Municipal Employees*. 138 S. Ct. 2448 (2018). Although *Janus* did not directly address the question presented in this case, both parties agree that *Janus* impacts this case. Recognizing the significance of *Janus*, SEIU Local 1000 directed the state to stop deducting any fees from the paychecks of non-union employees. Given these developments, we vacate the district court's judgment and remand for further proceedings in light of *Janus*. On remand, the district court may determine in the first instance whether any of Hamidi's claims are moot.

VACATED AND REMANDED.