

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 24 2022

FOR THE NINTH CIRCUIT

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

KARLENE K. PETITT,

Plaintiff-Appellant,

v.

AIR LINE PILOTS ASSOCIATION, AKA
ALPA,

Defendant-Appellee.

No. 21-35494

D.C. No. 2:20-cv-01093-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, District Judge, Presiding

Submitted May 17, 2022**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Karlene K. Petitt appeals pro se from the district court's judgment in her action alleging breach of the duty of fair representation in connection with an arbitration hearing. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Puri v. Khalsa*,

* 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).

844 F.3d 1152, 1157 (9th Cir. 2017). We affirm.

The district court properly dismissed Petitt’s action because Petitt failed to allege facts sufficient to show that her union attorney’s representation of her during an arbitration hearing, or the actions of the union-appointed arbitration board members, were arbitrary, discriminatory, or in bad faith. *See Beck v. United Food & Com. Workers Union, Local 99*, 506 F.3d 874, 879-80 (9th Cir. 2007) (discussing requirements for a breach of duty of fair representation claim by a union member); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678, 681 (2009) (to avoid dismissal, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face” and conclusory allegations are not entitled to be assumed true (citation and internal quotation marks omitted)).

AFFIRMED.