

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 11, 2016

Lyle W. Cayce
Clerk

No. 15-10328

JOSE SERNA; MARY RICHARDSON; ROBERTO CRUZ; SANTOS
CORDERO; SARI MADERA; RALPH ANDERSON; WARREN LAMBERT;
GREG HOFER; KENT HAND,

Plaintiffs - Appellants

v.

TRANSPORT WORKERS UNION OF AMERICA AFL-CIO, Union,

Defendant - Appellee

UNITED STATES OF AMERICA,

Intervenor - Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:13-CV-2469

Before STEWART, Chief Judge, and CLEMENT and ELROD, Circuit Judges.

PER CURIAM: *

We have reviewed the record, read the briefs, and heard arguments from both parties. We conclude that the two questions presented in this appeal are

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 15-10328

governed by controlling Supreme Court and Fifth Circuit precedent. *See Ry. Employes' Dep't v. Hanson*, 351 U.S. 225, 238 (1956) (allowing union shop provision of the Railway Labor Act (RLA)); *Int'l Ass'n of Machinists v. Street*, 367 U.S. 740, 774 (1961) (allowing opt-out requirement under the RLA); *Shea v. Int'l Ass'n of Machinists & Aerospace Workers*, 154 F.3d 508, 513, 515 (5th Cir. 1998) (allowing opt-out requirement under the RLA).¹ Accordingly, the judgment of the district court is AFFIRMED.

¹ We note that when Serna filed his complaint, the Transport Workers Union of America required dissenting non-members to annually renew their objection in order to avoid paying support to the union's political activities. We expressly held in *Shea*—which was decided fifteen years prior to Serna's complaint—that the First Amendment prohibits a union from requiring objectors to annually renew their objections. Because the union no longer requires an annual opt-out, *Shea* obliges us to uphold the union's current opt-out policy.