FILED

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEPHEN KERR EUGSTER,

Plaintiff - Appellant,

v.

WASHINGTON STATE BAR ASSOCIATION; SALVADOR A. MUNGIA, President, Washinton State Bar Association Officers and Board of Governors; STEVEN G. TOOLE, President-elect, Washington State Bar Association Officers and Board of Governors; MARK A. JOHNSON, Immediate Past-president, Washington State Bar Association Officers and Board of Governors; G. GEOFFREY GIBBS, Washington State Bar Association Officers and Board of Governors; BRIAN L. COMSTOCK, Washington State Bar Association Officers and Board of Governors; LOREN SCOTT ETENGOFF, Washington State Bar Association Officers and Board Governors; ANTHONY DAVID GIPE, Washington State Bar Association Officers and Board Governors; LORI S. HASKELL, Washington State Bar Association Officers

No. 10-35694

D.C. No. 2:09-cv-00357-SMM

MEMORANDUM*

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

and Board of Governors; DAVID S. HELLER, Washington State Bar Association Officers and Board of Governors; NANCY L. ISSERLIS, Washington State Bar Association Officers and Board of Governors; LELAND B. KERR, Washington State Bar Association Officers and Board of Governors; CARLA C. LEE, Washington State Bar Association Officers and Board of Governors; ROGER A. LEISHMAN, Washington State Bar Association Officers and Board of Governors; CATHERINE L. MOORE, Washington State Bar Association Officers and Board of Governors; PATRICK A. PALACE, Washington State Bar Association Officers and Board of Governors; MARC L. SILVERMAN; BRENDA WILLIAMS, Washington State Bar Association Officers and Board of Governors; WASHINGTON STATE SUPREME COURT; BARBARA A. MADSEN, Chief Justice, Washington State Supreme Court; CHARLES W. JOHNSON, Justice, Washington State Supreme Court; GERRY L. ALEXANDER; RICHARD B. SANDERS; TOM CHAMBERS, Justice, Washington State Supreme Court; SUSAN J. OWENS, Justice, Washington State Supreme Court; MARY E. FAIRHURST, Administrative Law Judge, Justice, Washington State Supreme Court; JAMES M. JOHNSON, Administrative Law Judge, Justice, Washington State Supreme Court; DEBRA L. STEPHENS, Justice, Washington State Supreme Court,

Defendants - Appellees.

Appeal from the United States District Court
for the Eastern District of Washington
Stephen M. McNamee, Senior District Judge, Presiding

Argued and Submitted July 10, 2012
Seattle, Washington

Before: SCHROEDER, REINHARDT, and M. SMITH, Circuit Judges.

Plaintiff-Appellant Stephen Eugster (Eugster) appeals from the district court's dismissal of his lawsuit on standing and ripeness grounds. Because the parties are familiar with the factual and procedural history of this case, we repeat only those facts necessary to resolve the issues raised on appeal. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Eugster's complaint does not allege that he will ever again be subject to disciplinary proceedings. Because Eugster has not presented any allegations about what he will do in the future that might subject him to the allegedly unconstitutional attorney disciplinary process again, we hold that Eugster lacks standing to pursue his claims for declaratory and injunctive relief. *See Partington v. Gedan*, 961 F.2d 852, 862 (9th Cir. 1992). For the same reason, we hold that Eugster's claims rest on contingent future events that may not occur. Thus,

Eugster's claims are not ripe. *See Bova v. City of Medford*, 564 F.3d 1093, 1096 (9th Cir. 2009) (citation omitted).

In light of our conclusions, we decline to reach the remaining issues raised by the parties. For the foregoing reasons, we affirm the district court's dismissal of Eugster's complaint.

AFFIRMED.