

For the International Municipal Lawyer's Association - IMLA's 5 things to know for December 7<sup>th</sup>.

Today we remember the attack on American forces in the Pacific both at Pearl Harbor and in the Philippines.

1. On Friday, the Supreme Court will conference on a wide variety of cases. We mentioned one yesterday. Another involves the question of whether a city can adopt by ordinance a regulation addressing untended donation boxes. Faced with evidence of blight and public nuisance, the City of Oakland enacted an ordinance to regulate unattended donation collection boxes. Flying in the face of the extensive nuisances these untended boxes create, a host of academics assert the ordinance violates the First Amendment. We should know by Monday if the court wants to allow specious First Amendment claims to override common sense policies designed to improve the lives of residents using reasonable time, place and manner regulations.

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/17-431.html>

2. We don't usually mention unreported cases, but the Tenth Circuit yesterday decided an interesting case involving what it concluded was a frivolous appeal of a frivolous claim that had been dismissed by the lower court. In *Sayed v. Six Churches*, pro se prisoner Muamar Asad Sayed asserts that he is the Spirit of God and the Son of Man, the second coming of Jesus Christ and the Messiah for which the Bible instructs Christians to watch. He sued six churches asserting they have not been following his direction. Whoever coined the phrase "recreational litigation" to describe most prisoner suits needs to win the Pulitzer.

<http://www.ca10.uscourts.gov/opinions/17/17-1254.pdf>

3. In Chicago, the issues of Due Process in a criminal proceeding and whether there exists a journalist privilege are going head to head in the trial of the police officer charged with homicide in the shooting of Laquan McDonald. From the news report, whether the defense can establish a basis for obtaining the journalist's sources seems unclear.

<http://abc7chicago.com/van-dyke-attorneys-want-reporters-mcdonald-sources-revealed/2746238/>

4. In a decision yesterday, the 7<sup>th</sup> Circuit affirmed dismissal of a suit because it was time barred. A prisoner was sentenced by a court to jail with a release date specified a term of about one year. The jail staff roughly a month before the release date told the inmate that they weren't going to release him for about another six months. He sought a hearing but didn't get one until well after his original release date had passed. The court immediately released him. He filed suit two years and 14 days after being released. The statute of limitations is two years.

<http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2017/D12-05/C:16-4179:J:Kanne:aut:T:fnOp:N:2072151:S:0>

5. In sign law news, a ritzy enclave in Baltimore told residents that their signs welcoming immigrants and that "Black Lives Matter" violated the city's sign code. Not so, according

to city solicitor Andre Davis. IMLA's latest draft sign code includes annotations to cases that may be helpful to writing sign codes. We continue to look at tools that members are using, so please pass along suggestions. Our sign law draft is available to members.

<http://www.afro.com/baltimore-city-solicitor-andre-davis-disputes-objections-political-signs-baltimore-enclave/>

Don't forget – on December 11 we're offering a webinar that discusses RLUIPA and provides ten ways to make sure you don't lose and our Holiday Mega Bundle package expires next week. Sign up at [www.imla.org](http://www.imla.org). Not a member? Contact us. Have a great day and make it an inspirational one.