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FEATURED CASES

Court Sets Precedent for Municipal Land-Use Litigation: Developers to Exhaust State Remedies Before Federal Court, First Circuit Holds

29 Greenwood, LLC v. City of Newton, No. 24-1518 (1st Cir. 2025).

On February 4th, The United States Court of Appeals for the First Circuit declined to rule on federal constitutional claims in a property rights dispute involving the City of Newton, Massachusetts. The plaintiff, 29 Greenwood LLC, alleged that the city unlawfully halted a property restoration project in violation of its constitutional rights. The appellate court determined that related state-law issues were pending in Massachusetts state court and could impact the federal claims. Consequently, the First Circuit directed the district court to stay the case until state court proceedings were resolved.

Background:

29 Greenwood LLC, a property developer, sought to restore and develop property in Newton, Massachusetts. The city, citing zoning laws and municipal regulations, halted the project. The plaintiff filed a lawsuit, claiming the city's actions were unconstitutional and constituted an unlawful restriction on property rights. The dispute raised questions about municipal authority in land-use decisions and potential constitutional violations.

The City of Newton defended its decision, asserting that local ordinances allowed it to regulate property development in accordance with zoning laws designed to preserve neighborhood character and prevent overdevelopment. The case quickly escalated into a broader legal battle concerning municipal regulatory authority and constitutional property rights.

Questions of Law:

1. Can the federal courts rule on constitutional claims related to municipal land-use regulations while related state-law issues are pending in state court?

2. Do municipalities have the authority to impose zoning restrictions that may impact property development projects without violating constitutional property rights?

Holdings:

1. No, the First Circuit declined to address the federal constitutional claims at this time. It ruled that the pending state-law issues could impact the resolution of the federal claims and ordered the district court to stay the proceedings.
2. Yes, municipalities retain broad authority to enforce zoning laws and land-use regulations, but the extent of this authority depends on compliance with both state and federal constitutional standards.

Analysis:

The First Circuit's decision underscores the importance of judicial restraint when parallel state proceedings could impact a federal lawsuit. The court applied the doctrine of *abstention*, which allows federal courts to defer ruling on constitutional claims when state courts are in a better position to resolve related legal questions. This approach ensures that municipal zoning disputes are first addressed within the appropriate state legal framework before escalating to federal courts.

The ruling highlights the ongoing tension between property owners seeking to maximize land use and municipalities aiming to regulate development in a way that aligns with community interests. While the court did not rule on the merits of the constitutional claims, its decision reinforces the principle that federal courts should not intervene prematurely in disputes involving municipal zoning laws.

The case sets a precedent for future land-use litigation, signaling that developers challenging municipal zoning regulations may need to exhaust state-level legal remedies before turning to federal courts. As state court proceedings continue, further judicial clarification on the balance between property rights and municipal zoning authority is expected.

29 Greenwood, LLC v. City of Newton

SHORT SUMMARIES:

4th Circuit – Search Warrants – Misstatements – Qualified Immunity

Having written and reviewed search and seizure warrants, I understand, as most of you do, the time constraints and pressure involved in preparing these documents. This case involved a double homicide at a mall. The officer who prepared the warrant based its contents on information gathered personally and from other officers, which indicated that an individual was responsible for the crime. After executing the warrant and presenting essentially the same information to the Grand Jury, the subject of the warrant was arrested and indicted. However, not long after, the officer discovered exculpatory evidence during the ongoing investigation. The officer presented this evidence to the State's Attorney, resulting in the charges being dropped.

Unfortunately, no good deed seems to go unpunished. The subject of the warrant sued the officer, alleging misstatements in the warrant. In a 2-1 decision, the panel concluded that, in substance, the warrant met the necessary test for establishing probable cause and that any misstatements were

essentially de minimis. A quote from the decision may be helpful for future cases raising similar issues:

“As to all three challenged statements, we must also recognize the practicalities of the moment. Detective Carin had early information from two different officers identifying the suspect as Jackson, and the investigation involved a serious crime—two murders—in a public mall. Time was of the essence, as was public safety, and Detective Carin prudently moved quickly in these exigent circumstances. The law recognizes that ‘affidavits are normally drafted by nonlawyers in the midst and haste of a criminal investigation,’ Illinois v. Gates, 462 U.S. 213, 235 (1983) (quoting Ventresca, 380 U.S. at 108), and that therefore ‘they must be interpreted in a commonsense manner,’ United States v. Moody, 931 F.3d 366, 372 (4th Cir. 2019). Not only did Detective Carin base the challenged statements on the information he had at the time, but he also presented the information to his supervisor and the state prosecutor for an assessment of whether it supported probable cause.”

The panel also concluded that Qualified Immunity applied. The majority focused on what the officer knew at the time of preparing the affidavit and giving testimony, noting that using later-developed evidence to test those facts cannot support a challenge.

Jackson vs. Carin

5th Circuit – Jails – Consent Decree

A history of abuse at the county jail prompted federal intervention to seek civil rights protections for the inmates. This intervention led to a Consent Decree in which the County agreed to implement numerous changes. However, the federal government found that many of these changes were either not made or did not address the civil rights abuses the government argued the inmates had suffered. As a result, the District Court appointed a Receiver to take over the operations of the jail.

The court’s order also granted the Receiver broad authority, including control over both the funding for the Receiver’s position and the jail’s budget, to be provided by the County. On appeal, while the panel agreed that appointing the Receiver was justified, it determined that granting the Receiver authority over the county’s budget exceeded the court’s authority.

United States vs. Hinds County Board of Supervisors

5th Circuit – Viewpoint Discrimination - Standing

In the ongoing conflict between the "Woke" and "anti-Woke" movements, several library board members found themselves out of a job. In a Louisiana Parish, the community objected to the local library’s support of "Pride Month," leading the council to pass a resolution terminating the terms of all library board members. The council then adopted a new resolution, creating a board with staggered terms under Louisiana law and appointing new members. Three of the ousted members sued, claiming their removal was based on viewpoint discrimination.

The issue in this case revolved around interlocutory orders related to motions in limine concerning discovery. However, rather than delving into the specifics of the appeal, the panel concluded that the plaintiffs lacked standing under Article III to bring their claims in federal court. The decision concluded: “But Article III does not work that way. As to each of their claims, Plaintiffs must show

that they have suffered a particularized injury that is fairly traceable to Defendants' conduct and redressable by a favorable decision. They have not done so. Accordingly, we vacate the district court's order and remand with instructions to dismiss for lack of subject matter jurisdiction."

Parr vs. Cougle

5th Circuit -Political Donations – First Amendment

The City of Austin imposed a temporal restriction on candidates seeking and receiving donations, limiting donations to a one-year period prior to the election. A candidate objected and sought to challenge the restriction as a violation of the First Amendment. On appeal, the panel noted: "This case implicates two principles established by our precedents. First, the First Amendment protects both recipients and donors. See, e.g., Zimmerman v. City of Austin, 881 F.3d 378, 382 (5th Cir. 2018); Catholic Leadership Coal. of Texas v. Reisman, 764 F.3d 409, 423 (5th Cir. 2014). Second, any attempt to restrict donations—including the timing of donations—is subject to rigorous First Amendment scrutiny. See Zimmerman, 881 F.3d at 382."

The court addressed procedural issues and reached the substantive merits, stating: "Under Zimmerman, the city must demonstrate (1) that the [time] limit serves the sufficiently important interest of preventing actual corruption or its appearance, and (2) that it employs means that are closely drawn." 881 F.3d at 391. The government must produce "some evidence of actual corruption or its appearance," id. at 392, and show how contributions made just before a blackout period ends "present[ ] a different threat of quid pro quo corruption" than contributions made after the fundraising window opens. Id. at 391. (The Zimmerman case involved a six-month limitation on donations.)

Virden vs. City of Austin

8th Circuit – Excessive Force – Qualified Immunity

This case involves an individual who first held his ex-girlfriend at gunpoint and then exhibited erratic, potentially suicidal behavior. The police response was extensive. The victim alerted the police to the situation, and in the time between the alert and the response, the armed perpetrator entered a wooded area, followed by the sound of a gunshot. Shortly thereafter, the police spotted the perpetrator in an industrial parking lot, holding the gun to his head. He eventually sat down, intermittently placing the gun on the ground, picking it up, and putting it down again.

The police response included SWAT teams and about 80 officers from various jurisdictions. Negotiators tried to persuade him to surrender, but he told them he would not go to jail. A plan was developed to apprehend him without harm to him or danger to the officers. The strategy was to act quickly, make him move away from the gun, and seize him. Unfortunately, when the operation began, instead of moving away from the gun, the perpetrator reached for it and began to raise it. The officers shot and killed him.

The lower court had denied some motions for summary judgment, holding that qualified immunity could not be granted due to disputed facts. However, the appellate panel disagreed, stating: "First, the entire exchange was captured on video, providing undisputed facts. Second, regardless of whether Aden pointed his gun at the officers, he reached for a loaded gun and began to raise it. The officers reasonably perceived this as a 'menacing action.' See Cole, 959 F.3d at 1132; Rogers, 885 F.3d at 1121-22 (where officers acted reasonably in deploying deadly force when the defendant

raised a gun to shin level). And third, a bullet poses a threat, see, e.g., Billingsley v. City of Omaha, 277 F.3d 990, 995 (8th Cir. 2002), regardless of whether officers are armed or wearing body armor—as most on-duty officers presumably are. Altogether, we can discern no genuinely disputed issue of material fact."

The court also concluded that there was no basis for Monell liability.

Aden vs. City of Eagan

9th Circuit – Federal Task Force Liability

The federal government deputized officers from the Los Angeles County District Attorney's Office to assist in investigating Social Security fraud. For their involvement, they were sued under Section 1983. The panel concluded that the evidence clearly showed the officers were acting in a federal capacity, not as local officials. Therefore, Section 1983 did not support a claim against them in this case.

Thai vs. County of Los Angeles

Public Records - Washington Supreme Court

The Washington Supreme Court had the opportunity to determine whether the state's Public Records Act balanced police officers' privacy interests with the public's right to know. The case involved several officers who attended the January 6 demonstrations in Washington, D.C. Some officers were identified by the public and police management, while others self-reported. All of them were investigated by the professional standards unit. The court had to decide whether the professional standards investigation was subject to disclosure under the Public Records Act. Additionally, the court considered whether pseudonymity could protect the officers' names from being disclosed. In both instances, the court ruled in favor of disclosure. While this case addresses state-specific issues, it raises broader concerns regarding the extent of public records disclosures related to personnel investigations, which may influence debates across the country.

Doe vs. Seattle Police Department

IMLA is planning a variety of programs, including the Mid-Year Seminar, Code Enforcement Program, Annual Conference and Construction Law Program, along with regular webinars on important topics every month. Additionally, IMLA provides a valuable resource for local governments impacted by recent Executive Orders related to funding and claims of violating federal immigration laws. Regardless of where you stand on these political issues, understanding them is crucial for local government lawyers in effectively representing your clients. For more information, visit www.imla.org.