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FEATURED CASES

Sixth Circuit Rules Against City's Unauthorized Code Enforcement
McIntosh v. City of Madisonville, No. 23-5678 (6th Cir. 2025)

Background:

In McIntosh v. City of Madisonville, No. 23-5678 (6th Cir. 2025), property owners challenged the city's enforcement actions, alleging violations of procedural and substantive due process under 42 U.S.C. § 1983, as well as a state law trespass claim. The dispute arose when the city entered the McIntoshes' property without prior notice, citing code violations and initiating enforcement measures. The McIntoshes contended that these actions infringed upon their constitutional rights.

Questions of Law:

1. Did the City of Madisonville's actions violate the procedural due process rights of the property owners under the Fourteenth Amendment?
2. Did the city's conduct constitute a violation of substantive due process rights?
3. Did the city's entry onto the property without notice amount to trespass under state law?

Holdings:

1. Yes, the Sixth Circuit found that the city's failure to provide notice and an opportunity to be heard before entering the property constituted a violation of procedural due process rights.
2. No, the court determined that while the city's actions were procedurally deficient, they did not rise to the level of a substantive due process violation, which requires conduct that is arbitrary or shocks the conscience.
3. The court remanded the trespass claim to the lower court for further proceedings, indicating that the resolution of this state law claim required additional consideration.

Analysis:

The Sixth Circuit emphasized the fundamental importance of procedural due process in municipal code enforcement actions. The court noted that property owners are entitled to notice and a meaningful opportunity to be heard before a city undertakes enforcement actions that affect their property interests. This decision reinforces the principle that municipalities must adhere to constitutional safeguards when enforcing local codes and ordinances.

While acknowledging the procedural due process violation, the court clarified that not all procedural missteps amount to substantive due process violations. Substantive due process protects against egregiously arbitrary actions, and the court found that the city's conduct, though procedurally flawed, did not meet this high threshold.

The remand of the trespass claim underscores the necessity for lower courts to thoroughly examine state law claims in conjunction with federal constitutional issues, ensuring comprehensive adjudication of property owners' rights.

McIntosh v. City of Madisonville

SHORT SUMMARIES:

4th Circuit – Qualified Immunity & Friendly Fire Incident

In *Belton v. Loveridge*, No. 232046.P (4th Cir. 2025), officers were making an arrest when one mistakenly shot a fellow officer, who then sued under Section 1983 for excessive force. The defendant claimed qualified immunity, but the district court failed to apply the required two-part immunity test. The appellate panel ruled that the lower court's failure to evaluate whether the officer's actions violated a clearly established right warranted reconsideration and remanded the case for further proceedings.

Belton v. Loveridge

5th Circuit – Excessive Force & Search and Seizure

In *Bakutis v. Dean*, No. 24-10271-CV0 (5th Cir. 2025), police responded to a report of an open door at a residence, a potential burglary in progress. Without lights or sirens, they entered the curtilage and saw movement inside. One officer used a flashlight to peer through a window just as the homeowner, hearing noises, approached. The officer immediately shouted a command but fired before finishing, killing the homeowner. The lower court denied qualified immunity on both the excessive force and illegal search claims. The appellate panel upheld the ruling on excessive force, reasoning that the shooting may have been unjustified, but reversed on the search claim, finding no clearly established precedent barring police from entering a property under a community caretaking function. The ruling leaves open the possibility of immunity on remand depending on further discovery.

Bakutis v. Dean

6th Circuit – Religion & Sexual Orientation Discrimination

In *Moore v. Davis*, No. 25a0049p-06 (6th Cir. 2025), Kim Davis, a Kentucky county clerk, refused to issue marriage licenses to same-sex couples, claiming her religious beliefs took precedence over her legal duties. Despite receiving legal advice that she was required to comply, she not only refused but also blocked her deputies from issuing licenses. After a court ruled she violated the plaintiffs' constitutional rights, a jury awarded $50,000 to each plaintiff in this Section 1983 case. The ruling reinforces that government officials cannot deny services based on personal beliefs.

Moore v. Davis

8th Circuit – RLUIPA, County Liability & Jails

In *Barnett v. Short*, No. 231066P (8th Cir. 2025), an inmate in segregation requested a Bible but was denied access. He sued the jail administrator and the county under RLUIPA and Section 1983. The lower court dismissed the case before service, but on appeal, the panel ruled that while the inmate's request for an injunction was moot due to his transfer, he could still seek damages. The decision potentially sets new precedent by holding that counties may be liable for RLUIPA violations. However, the court found that the jail administrator was not a policymaker, shielding the county under Monell, and held that RLUIPA does not allow individual liability against officials who do not directly receive federal funds.

Barnett v. Short

9th Circuit – Excessive Force & Qualified Immunity

In *Johnson v. Myers*, No. 24-349 (9th Cir. 2025), police responded to a call from a woman reporting that her boyfriend, armed with a knife, had threatened to kill both her and himself. When officers arrived, the man refused to drop the weapon, advanced toward them, then stopped before raising the knife again from approximately 4.5 feet away. Officers fired, killing him. The lower court denied qualified immunity, and the panel affirmed, questioning whether officers should have explicitly warned him before firing or attempted less-lethal force like a taser. The decision underscores the 9th Circuit's stricter standard on police use of force.

Johnson v. Meyers

11th Circuit – Qualified Immunity & District Court Error

In *Miller v. Palm Beach County Sheriff's Office*, No. 202313753 (11th Cir. 2025), deputies were sued under Section 1983 for allegedly violating a woman's constitutional rights during an arrest. The district court delayed ruling on qualified immunity, which shields officers from litigation unless clear violations of constitutional rights are established. The appellate panel held that qualified immunity must be resolved early in litigation to prevent unnecessary legal burdens on officers, vacating and remanding the case for proper consideration.

Miller v. Palm Beach County Sheriff's Office

Supreme Court – EPA Authority

In *City and County of San Francisco v. EPA*, No. 23-753 (U.S. 2025), the Supreme Court ruled that Section 1311(b)(1)(C) does not grant the EPA authority to impose "end-result" provisions in NPDES permits. The Court emphasized that while the EPA can require compliance with water quality standards, it cannot dictate specific methods for achieving those standards. The ruling limits the agency's regulatory reach and clarifies state versus federal authority in environmental enforcement.

City and County of San Francisco vs. EPA

IMLA is planning a variety of programs, including the Mid-Year Seminar, 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.