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Ninth Circuit Court of Appeals Gets “Spanked” Again by the US Supreme Court



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The US Supreme Court, in the case of *Pakdel V. City And County Of San Francisco, CA*, issued a “per curium” [9-0] opinion on June 28, 2021 telling the Ninth Circuit Court of Appeals that the decision of the Supreme Court in the *Knick v. Township of Scott [2019]* case truly did hold that “exhaustion of state remedies” was NOT a pre-requisite to a property owner filing a 42 USC 1983 Civil Rights challenge alleging that government action had effected a Taking of property under the 5th and 14th Amendments. The short, 7-page opinion vacated the Ninth Circuit Court opinion that attempted to throw the property owner out of court and remanded the case for reconsideration consistent with the Supreme Court’s very clear ruling. A win for property owners everywhere!!

Contact me here at Hart King with any questions. We will continue to monitor similar cases like this to keep you updated on property rights and takings law.

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