
MUNICIPAL ORDINANCE - MICHIGAN

Rapp v. Dutcher

United States Court of Appeals, Sixth Circuit - February 18, 2014 - Fed.Appx. - 2014 WL 594064

Condominium owners brought § 1983 action against city, city officials, and condominium association, alleging a variety of constitutional violations relating to 173 citations they were issued for renting their condominium without a landlord license in violation of certain municipal ordinances. The District Court granted defendants' motions to dismiss, and owners appealed.

The Court of Appeals held that:

- Abuse of process claim under § 1983 did not exist;
- Rooker–Feldman doctrine barred owners' § 1983 claim alleging violation of the Eighth Amendment's excessive fines clause; and
- Owners failed to state class of one equal protection claim under § 1983.

An abuse of process claim under § 1983 did not exist for condominium owners, as owners did not connect the alleged abuse of process to a violation of any rights, privileges, or immunities secured by the Constitution and federal laws.

The Rooker–Feldman doctrine barred condominium owners' § 1983 claim alleging violation of the Eighth Amendment's excessive fines clause arising from the $53,300 in fines originally assessed against them for violating city ordinances by renting their condominium without a landlord license. The owners' claim challenged the fines imposed by the state trial court, which were subsequently declared unconstitutional by the state intermediate appellate court, and but-for the original $53,300 judgment, the excessive fines claim would not exist and thus, the source of injury was a state-court judgment.

Condominium owners' conclusory allegations that city acted in an arbitrary and capricious manner in enforcing against them city ordinances prohibiting them from renting their condominium without a landlord license were insufficient to state class of one equal protection claim under § 1983. Owners' complaint contained no facts showing that the city treated them differently from other individuals who violated the rental license ordinances.

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