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EMINENT DOMAIN - LOUISIANA

Lafaye v. City of New Orleans

United States Court of Appeals, Fifth Circuit - June 1, 2022 - F.4th - 2022 WL 1764044

Motorists who had paid fines for traffic violations captured by city's automated traffic enforcement system (ATES) brought action alleging that city's failure to comply with state court order to refund fines constituted unlawful taking.

The United States District Court denied city's motion to dismiss, and city filed interlocutory appeal.

The Court of Appeals held that city's retention of fines did not constitute "taking."

City's retention of fines it had collected for traffic violations based on its use of automated traffic enforcement system (ATES) that was subsequently held to be unlawful did not constitute "taking" under Fifth Amendment, even though motorists who had paid fines had obtained state court judgment ordering city to refund fines; city acquired motorists' money not through eminent domain nor through any other lawful power, but rather through ultra vires implementation of ATES.

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