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CONSTITUTIONAL LAW - CALIFORNIA

Lunn v. City of Los Angeles

United States District Court, C.D. California - September 20, 2022 - F.Supp.3d - 2022 WL 4357436

Property owners brought § 1983 action against city, alleging that it had violated their constitutional rights by permitting persons experiencing homelessness to camp their tents and vehicles on street across from their property, which caused owners' views of golf course to become obstructed, and by removing one owners' freight container that displayed political speech that she had placed on a public walkway in same area where persons experiencing homelessness were camping in protest of perceived selective enforcement of city code pertaining to storage of personal property in public spaces.

City moved to dismiss for lack of subject-matter jurisdiction and for failure to state a claim.

The District Court held that:

- Property owners failed to establish that purported injury of having their view of a golf course obstructed was substantially motivated by city's actions;
- Single incident in which city allegedly removed property owners' freight container was not tantamount to city policy or custom;
- Property owner failed to state a procedural due process claim;
- Property owner failed to state substantive due process claim; and
- City's removal of property owner's freight container did not violate owner's rights under equal protection clause.

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