

# **Bond Case Briefs**

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## **EMINENT DOMAIN - INDIANA**

### **Indiana Land Trust #3082 v. Hammond Redevelopment Commission**

**United States Court of Appeals, Seventh Circuit - July 10, 2024 - F.4th - 2024 WL 3353836**

Owner of property subject to condemnation proceeding filed state-court action against city, city redevelopment commission that had commenced condemnation proceeding, and city's mayor, asserting federal constitutional violations relating to alleged conspiracy regarding the eminent domain proceeding, including § 1983 claim alleging violation of equal protection and Monell claim.

Following removal, the United States District Court for the Northern District of Indiana denied property owner's request for leave to amend complaint to add claims for violations of substantive due process and civil conspiracy under § 1983 and granted city's motion to dismiss the remaining claims. Property owner appealed.

The Court of Appeals held that:

- Interests of justice did not favor Court's abstention under Colorado River doctrine;
- Building of road to connect neighborhood and major roadway was rational basis to seek condemnation, and thus, there was no violation of equal protection under class-of-one theory;
- Owner failed to allege any impairment to interest in property, and thus failed to state claim for violation of substantive due process; and
- Owner was required to seek recourse in state court for objectionable land-use decision rather than transform objections into substantive due process claim.