

Case No. 23-1641

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Apr 22, 2024
KELLY L. STEPHENS, Clerk

FRANCIS X. BERKEMEIER, et al.,)

Plaintiffs-Appellants,)

v.)

CITY OF JACKSON, MICHIGAN, et al.,)

Defendants-Appellees.)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF MICHIGAN

OPINION

Before: BATCHELDER, THAPAR, and MATHIS, Circuit Judges.

ALICE M. BATCHELDER, Circuit Judge. The City of Jackson, Michigan, has a municipal ordinance that requires owners of non-owner-occupied residential properties to register their properties, submit to inspections, and comply with habitability standards. As for the inspections, the ordinance authorizes certain City officials to conduct inspections at a reasonable time and in a reasonable manner. Specifically, in a nonemergency situation in which the owner or occupant of the subject property does not consent to inspection of the premises, the inspecting official must obtain an administrative warrant from a court of competent jurisdiction.

On about June 6, 2019, a City official affixed a notice to the door of Francis and Janet Berkemeier’s property, alerting them that the City intended to conduct an inspection on June 17, and explaining that unless the Berkemeiers consented, inspectors and police officers would enter the property under authority of an administrative search warrant. The Berkemeiers did not consent and on June 17, a City attorney obtained and executed an administrative search warrant.

No. 23-1641, *Berkemeier v. City of Jackson, Mich.*

The Berkemeiers sued the City and several City employees, claiming that the ordinance violates the Fourth and Fifth Amendments to the Constitution, both on its face and as applied to them. The defendants moved for summary judgment on the basis that an inspection conducted pursuant to a properly obtained administrative search warrant does not violate the Fourth or Fifth Amendments, nor had the Berkemeiers stated any other viable claims. The district court agreed. *Berkemeier v. City of Jackson*, No. 19-12132, 2021 WL 9563331 (E.D. Mich. Dec. 20, 2021) (magistrate judge's R&R); 2022 WL 4378687 (Sept. 22, 2022) (adopting the R&R); 2023 WL 3973603 (June 13, 2023) (denying reconsideration). The Berkemeiers appeal.

After carefully reviewing the law, the parties' arguments, and the record evidence, we conclude that the district court correctly assessed the evidence and correctly applied the law to that evidence. The issuance of a full written opinion by this court would serve no jurisprudential purpose. Accordingly, for the reasons stated in the district court's opinions, we **AFFIRM**.