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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD J. RYAN,

Plaintiff,

v.

CITY OF LINCOLN, et al.,

Defendants.

No. 2:18-cv-00096-KJM-DB

ORDER

On December 6, 2018, the court granted defendant City of Lincoln's motion to dismiss without leave to amend because, among other things, plaintiff's Fifth Amendment takings claim was not ripe under *Williamson Cty. Reg'l Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 186, 194 (1985); thus, the court determined it lacked jurisdiction over plaintiff's claims. *See* ECF No. 27. On December 15, 2018, plaintiff moved for reconsideration of the court's order based on additional facts he believes implicate *Williamson County's* futility exception and thus allow him to amend his complaint and survive the City's Rule 12(b)(1) challenge. ECF No. 32. On January 25, 2019, the court heard oral argument on plaintiff's motion for reconsideration and thereafter submitted the motion for resolution by written order. *See* ECF No. 38. The motion remains submitted.

On June 21, 2019, the Supreme Court issued its opinion in *Knick v. Twp. of Scott, Pennsylvania*, 139 S. Ct. 2162, 2167 (2019), and, in doing so, expressly overruled *Williamson*

1 County. Given the procedural posture of this case, and the Supreme Court's intervening decision
2 in *Knick*, within fourteen (14) days of this order plaintiff and the City of Lincoln shall file
3 simultaneous supplemental briefs, not to exceed 10 pages addressing the effect of *Knick* on
4 plaintiff's motion for reconsideration. Upon review of these briefs, the court will let the parties
5 know if it requires further briefing or argument.

6 IT IS SO ORDERED.

7 DATED: July 18, 2019.

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10 UNITED STATES DISTRICT JUDGE
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