

Download Buckley V City Of Redding

Patrick BUCKLEY; Personal Watercraft, Plaintiffs-Appellants, v. CITY OF REDDING, CALIFORNIA, a Municipal Corporation, Defendant-Appellee. No. 93-17277. Decided: September 13, 1995 Before: HUG, ALARCON, and TROTT, Circuit Judges. Sharon K. Sandeen, Downey, Brand, Seymour & Rowher, Sacramento, CA, for plaintiffs-appellants. Walter P. McNeill, Law Offices of Walter P. McNeill, Redding, CA, and Bradley N. Webb, Wilke, Fleury, Hoffelt, Gould & Birney, Sacramento, CA, for defendant-appellee. The Judicial View is a resource for attorneys and legal professionals containing case summaries, judicial opinions, legal rulings, law review articles, law firm articles and important legal news. The City argues that even if the Act permits enforcement via section 1983, Buckley and the PWIA have failed to state a claim because they cannot show that the City is not in compliance. The City argues that 50 C.F.R. § 80.24 merely requires that facilities built with funds disbursed under the Act be physically capable of accommodating boats of common horsepower ratings. The City of Redding argues that the Supreme Court in *Suter v. Artist M.*, 503 U.S. 347, 112 S.Ct. 1360, 118 L.Ed.2d 1 (1992), altered this well-established analytic framework. In *Suter*, the Court was confronted with whether one could enforce the "reasonable efforts" requirement of the Adoption Assistance Act through an action under section 1983, or directly under that act itself.