

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

SOLDAL ET UX. v. COOK COUNTY, ILLINOIS, ET AL.
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
SEVENTH CIRCUIT
No. 91-6516. Argued October 5, 1992—Decided December 8,
1992

While eviction proceedings were pending, Terrace Properties and Margaret Hale forcibly evicted petitioners, the Soldal family, and their mobile home from a Terrace Properties' mobile home park. At Hale's request, Cook County, Illinois, Sheriff's Department deputies were present at the eviction. Although they knew that there was no eviction order and that Terrace Properties' actions were illegal, the deputies refused to take Mr. Soldal's complaint for criminal trespass or otherwise interfere with the eviction. Subsequently, the state judge assigned to the pending eviction proceedings ruled that the eviction had been unauthorized, and the trailer, badly damaged during the eviction, was returned to the lot. Petitioners brought an action in the Federal District Court under 42 U.S.C. §1983, claiming that Terrace Properties and Hale had conspired with the deputy sheriffs to unreasonably seize and remove their home in violation of their Fourth and Fourteenth Amendment rights. The court granted defendants' motion for summary judgment, and the Court of Appeals affirmed. Acknowledging that what had occurred was a "seizure" in the literal sense of the word, the court reasoned that it was not a seizure as contemplated by the Fourth Amendment because, *inter alia*, it did not invade petitioners' privacy.

Held: The seizure and removal of the trailer home implicated petitioners' Fourth Amendment rights. Pp.4-16.

(a) A "seizure" of property occurs when "there is some meaningful interference with an individual's possessory interests in that property." *United States v. Jacobson*, 466 U.S. 109, 113. The language of the Fourth Amendment—which protects people from unreasonable searches and seizures of "their persons, houses, papers, and effects"—cuts against the

novel holding below, and this Court's cases unmistakably hold that the Amendment protects property even where privacy or liberty is not implicated. See, e. g., *ibid.*; *Katz v. United States*, 389 U.S. 347, 350. This Court's "plain view" decisions also make untenable the lower court's construction of the Amendment. If the Amendment's boundaries were defined exclusively by rights of privacy, "plain view" seizures, rather than being scrupulously subjected to Fourth Amendment inquiry, *Arizona v. Hicks*, 480 U.S. 321, 326-327, would not implicate that constitutional provision at all. Contrary to the Court of Appeals' position, the Amendment protects seizures even though no search within its meaning has taken place. See, e. g., *Jacobson, supra*, at 120-125. Also contrary to that court's view, *Graham v. Connor*, 490 U.S. 386, does not require a court, when it finds that a wrong implicates more than one constitutional command, to look at the dominant character of the challenged conduct to determine under which constitutional standard it should be evaluated. Rather, each constitutional provision is examined in turn. See, e.g., *Hudson v. Palmer*, 468 U.S. 517. Pp.4-15.

SOLDAL v. COOK COUNTY

Syllabus

(b)The instant decision should not foment a wave of new litigation in the federal courts. Activities such as repossessions or attachments, if they involve entering a home, intruding on individuals' privacy, or interfering with their liberty, would implicate the Fourth Amendment even on the Court of Appeals' own terms. And numerous seizures of this type will survive constitutional scrutiny on ``reasonableness" grounds. Moreover, it is unlikely that the police will often choose to further an enterprise knowing that it is contrary to the law or proceed to seize property in the absence of objectively reasonable grounds for doing so. Pp.15-16.
942 F.2d 1073, reversed and remanded.

WHITE, J., delivered the opinion for a unanimous Court.