

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, NORTHERN DIVISION

Kaylee Smarr v. Mary Talaska and County of Alpena

Smarr · No. 1:25-cv-12588 · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan granted Alpena County’s motion to dismiss a Fourteenth Amendment procedural due process claim arising from the forfeiture and eviction of the plaintiff from property purchased under a land contract. The court held that, although the plaintiff adequately alleged a due process violation, she did not plead facts establishing municipal liability under Monell. The court dismissed the federal claim with prejudice, declined supplemental jurisdiction over the remaining state-law claims, and remanded those claims to the Alpena County Circuit Court.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Northern Division
WRITING FOR THE COURT	Thomas L. Ludington
JURISDICTION	United States District Court for the Eastern District of Michigan, Northern Division
DECIDED	January 8, 2026
DOCKET	1:25-cv-12588
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff brought federal procedural-due-process and state-law claims in Alpena County Circuit Court. Alpena County removed the case under federal-question jurisdiction and moved to dismiss the municipal-liability claim under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts factual allegations in the complaint as true, construes the pleading in favor of the nonmovant, disregards legal conclusions, and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief. The court generally considers only the allegations in the pleadings, not new factual allegations raised in an opposition brief.

TOPICS

motions to dismiss

municipal liability

section 1983

procedural due process

landlord tenant

PRACTICE AREAS

civil procedure

constitutional law

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real estate

QUESTIONS PRESENTED

1. Whether Smarr pleaded facts sufficient to impose municipal liability on Alpena County under Monell and 42 U.S.C. § 1983 for the alleged deprivation of procedural due process.
2. Whether the court should exercise supplemental jurisdiction over the remaining state-law claims after dismissing the federal claim.

HOLDINGS

1. The complaint failed to state a Monell claim against Alpena County because it did not plausibly allege that a County policy or custom, inadequate training or supervision resulting from deliberate indifference, or policymaker ratification caused the constitutional injury.
2. Smarr alleged a protected property interest in the possession and use of the real estate and facts indicating that eviction without notice or an opportunity to be heard violated procedural due process, but the alleged violation was not attributable to Alpena County under Monell.
3. The court declined to exercise supplemental jurisdiction over the remaining state-law claims after dismissing the only federal claim and remanded those claims to the Alpena County Circuit Court.

KEY QUOTATIONS

“municipalities cannot be held liable under § 1983 for acts of their employees based on the doctrine of respondeat superior or for other forms of vicarious or derivative liability.” (Section IV.A)

“In the end, Plaintiff’s due process rights were violated, but not by Defendant Alpena County.” (Section IV.B)

“Plaintiffs cannot ‘amend their complaint in an opposition brief or ask the court to consider new allegations (or evidence) not contained in the complaint.’” (Section IV.B)

FACTUAL BACKGROUND

Smarr purchased Alpena, Michigan real estate from Mary Talaska under a land contract in September 2020. After forfeiture proceedings, the 88th District Court entered a consent judgment requiring specified payments and property-tax obligations; Smarr alleged that she made the required payments and maintained insurance. Despite those allegations, an eviction order was entered without notice or an opportunity to be heard, and Smarr was evicted on March 7, 2023; the state court later determined that the eviction order should not have issued. By then, Talaska had sold the property to third parties.

PROCEDURAL HISTORY

Smarr filed the complaint in Alpena County Circuit Court on July 22, 2025. Alpena County removed the case to the Eastern District of Michigan on August 19, 2025, and moved to dismiss Count X, the claim against the County under 42 U.S.C. § 1983. The court granted the motion, dismissed Count X with prejudice, dismissed Alpena County, declined supplemental jurisdiction over the remaining state-law claims, and remanded those claims to the Alpena County Circuit Court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The federal court dismissed Count X with prejudice and dismissed Alpena County. It declined supplemental jurisdiction over the remaining state-law claims and remanded those claims to the Alpena County Circuit Court.

CASES CITED

- Monell v. Department of Social Services of City of New York, 436 U.S. 658 (1978)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Lambert v. Hartman, 517 F.3d 433, 439 (6th Cir. 2008)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Waskul v. Washtenaw County Community Mental Health, 979 F.3d 426, 440 (6th Cir. 2020)
- Thomson v. Peterson, No. 1:24-CV-11761, 2025 WL 2797146, at *4 (E.D. Mich. Sept. 30, 2025)
- Gregory v. City of Louisville, 444 F.3d 725, 752 (6th Cir. 2006)
- D'Ambrosio v. Marino, 747 F.3d 378, 388-89 (6th Cir. 2014)
- Alman v. Reed, 703 F.3d 887, 903 (6th Cir. 2013)
- Johnson v. Vanderkooi, 918 N.W.2d 785, 791 (Mich. 2018)
- Brookings v. Clunk, 389 F.3d 614, 617 (6th Cir. 2004)
- Briscoe v. LaHue, 460 U.S. 325, 334 (1983)
- Pucci v. Michigan Supreme Court, 601 F. Supp. 2d 886, 897-98 (E.D. Mich. 2009)
- Foster v. Walsh, 864 F.2d 416, 417 (6th Cir. 1988)
- Whole Woman's Health v. Jackson, Whole Woman's Health v. Jackson, 595 U.S. 30, 38-39 (2021)
- Thomas v. Cohen, 304 F.3d 563, 576 (6th Cir. 2002)
- Board of Regents v. Roth, 408 U.S. 564, 570-71, 577 (1972)
- Kentucky Department of Corrections v. Thompson, 490 U.S. 454, 460 (1989)
- Bonner v. City of Brighton, 848 N.W.2d 380, 391 (Mich. 2014)
- Dow v. Michigan, 240 N.W.2d 450 (Mich. 1976)
- Fuentes v. Shevin, 407 U.S. 67, 82, 87 (1972)
- Leary v. Daeschner, 228 F.3d 729, 742 (6th Cir. 2000)

- *Breathe v. City of Detroit*, 484 F. Supp. 3d 511, 518 (E.D. Mich. 2020)
- *Ellis ex rel. Pendergrass v. Cleveland Municipal School District*, 455 F.3d 690, 700 (6th Cir. 2006)
- *Connick v. Thompson*, 563 U.S. 51, 60-63 (2011)
- *Winkler v. Madison County*, 893 F.3d 877, 903 (6th Cir. 2018)
- *Shadrick v. Hopkins County*, 805 F.3d 724, 739 (6th Cir. 2015)
- *Wojnicz v. Davis*, 80 F. App'x 382, 384-85 (6th Cir. 2003)
- *Taylor v. First of America Bank-Wayne*, 973 F.2d 1284, 1287 (6th Cir. 1992)

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