

Syllabus

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 Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CITY OF WEST COVINA v. PERKINS ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 97–1230. Argued November 3, 1998– Decided January 13, 1999

Petitioner City's police officers lawfully seized respondents' personal property from their home, leaving a notice form specifying the fact of the search, its date, the searching agency, the warrant's date, the issuing judge and his court, and the persons to be contacted for information, and an itemized list of the property seized. The officers did not leave the search warrant number, but the warrant's issuance was recorded by respondents' address and the warrant number in a public index. After attempts to obtain return of the seized property failed, respondents filed this suit, and the Federal District Court ultimately granted the City summary judgment. In reversing, the Ninth Circuit held, by analogy to *Memphis Light, Gas & Water Div. v. Craft*, 436 U. S. 1, that the Due Process Clause required that respondents be provided, in addition to the information set forth in the City's form, detailed notice of the state procedures for return of seized property and the information necessary to invoke those procedures, including the search warrant number or a method for obtaining it.

Held: When police seize property for a criminal investigation, the Due Process Clause does not require them to provide the owner with notice of state-law remedies for the property's return. The Ninth Circuit's expansive notice requirement lacks support in this Court's precedent. Individualized notice that officers have taken property is necessary in a case such as this one because the owner has no other reasonable means of ascertaining who is responsible for his loss. However, no similar rationale justifies requiring notice of state-law remedies which, like those at issue here, are established by published, generally available state statutes and case law. Cf., e.g., *Reetz v. Michigan*, 188 U. S. 505, 509. *Memphis, supra*, is not to the contrary. See *id.*, at 14, n. 14. To sustain the Ninth Circuit's holding, this Court

Syllabus

would have to find that due process requires notice that not one State or the Federal Government has seen fit to require, in the context of law enforcement practices that have existed for centuries. Respondents' alternative argument that the notice given them was inadequate because it did not provide the vital search warrant number is undermined by the District Court's explicit finding that they failed to establish they needed the number to file a motion for return of their property. Pp. 5–10.

113 F. 3d 1004, reversed and remanded.

KENNEDY, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and STEVENS, O'CONNOR, SOUTER, GINSBURG, and BREYER, JJ., joined. THOMAS, J., filed an opinion concurring in the judgment, in which SCALIA, J., joined.