

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

**File Name: 05a0635n.06**

**Filed: July 28, 2005**

**No. 04-3739**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

**PARKWOOD PLACE, et al.,** )

*Plaintiffs-Appellants,* )

v. )

**CITY OF BRECKSVILLE, et al.,** )

*Defendants-Appellees.* )

ON APPEAL FROM THE  
UNITED STATES DISTRICT  
COURT FOR THE NORTHERN  
DISTRICT OF OHIO

**OPINION**

**BEFORE:   BATCHELDER and COLE, Circuit Judges; REEVES, District Judge\***

**R. GUY COLE, JR., Circuit Judge.** Plaintiffs-Appellants Parkwood Place, et. al., appeal a district court order granting Defendant-Appellee City of Brecksville’s motion to dismiss under Rule 12(b)(6). The plaintiffs’ complaint alleges that the enactment of two zoning ordinances violates state and federal law because the ordinances infringe upon plaintiffs’ property rights as established in previous litigation regarding the zoning of the same property. On appeal, Parkwood contends that the district court erred in: (1) dismissing the state law claims under the “law-of-the-case” doctrine, (2) dismissing the federal constitutional claims because of collateral estoppel, and (3) dismissing the takings claims because they were not yet ripe for review.

---

\*The Honorable Danny C. Reeves, United States District Judge for the Eastern District of Kentucky, sitting by designation.

*No. 04-3739*

*Parkwood Place v. City of Brecksville*

We have reviewed the record and the parties' submissions. For substantially the same reasons set forth in the district court's comprehensive opinion, we **AFFIRM** the district court's grant of the City of Brecksville's motion to dismiss.