NOT RECOMMENDED FOR PUBLICATION
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No. 25-1525

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Sep 30, 2026
KELLY L. STEPHENS, Clerk

DORCAS ABAYOMI, Plaintiff-Appellant, v. OAKLAND COUNTY, MICHIGAN, Defendant-Appellee.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN OPINION

Before: STRANCH, LARSEN, and MURPHY, Circuit Judges.

JANE B. STRANCH, Circuit Judge. Dorcas Abayomi appeals the dismissal of her § 1983 claim against Oakland County, Michigan. After a tax foreclosure sale of her property, she alleged that the County unconstitutionally retained the surplus proceeds in violation of the Takings Clause of the Fifth Amendment. The district court dismissed her claim, concluding that it was barred by this court's ruling in *Howard v. Macomb County*, 133 F.4th 566 (6th Cir. 2025).

Abayomi's sole argument on appeal is that the *Howard* court got it wrong. She does not dispute that *Howard* dealt with an identical challenge to a Michigan county's retention of surplus proceeds under the Takings Clause. 133 F.4th at 568. Nor does she dispute that *Howard* barred such a challenge for failure to follow the state's procedure for claiming surplus proceeds. *Id.* at 572 (citing Mich. Comp. Laws § 211.78t). *Howard* held that where, as here, an owner does not make a valid claim for surplus proceeds under Michigan law, a county that subsequently keeps them "simply does not commit a taking." *Id.* at 573.

The *Howard* court considered nearly identical facts and claims, and the district court was right to apply its holding in dismissing Abayomi's suit. We are similarly bound by *Howard*'s holding; it is a published panel opinion. *Wright v. Spaulding*, 939 F.3d 695, 700 (6th Cir. 2019) ("[T]he holding of a published panel opinion binds all later panels unless overruled or abrogated en banc or by the Supreme Court."); 6th Cir. R. 32.1(b). Abayomi may not bring a claim under the Takings Clause because, just like the unsuccessful appellant in *Howard*, she failed to follow Michigan's procedure to claim surplus proceeds. 133 F.4th at 572.

Accordingly, we **AFFIRM** the district court's dismissal.