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Forty Foot v. Bd Supv Towamencin

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 02-1339

FORTY FOOT PARTNERSHIP,
Appellant

v.

THE BOARD OF SUPERVISORS OF TOWAMENCIN TOWNSHIP

On Appeal from the United States District Court for the Eastern District of Pennsylvania,
D.C. Civil No. 01-CV-4135
District Court: Hon. Bruce W. Kauffman

Submitted Pursuant to Third Circuit LAR 34.1(a)
November 7, 2002

Before:McKee, Greenberg Circuit Judges & Lifland* District Judge

(Filed : January 22, 2003)

OPINION OF THE COURT

McKee, Circuit Judge

Appellant, Forty Foot Partnership, is the owner of 7.5 acres of land, located within Towamencin Township. This case arises from the rejection of the Partnership's request for a zoning variance on the land, by the appellee, the Board of Supervisors of Towamencin Township. The Partnership appeals the district court's grant of summary judgment to the Board on the Partnership's § 1983 equal protection, substantive due process, and regulatory

* Honorable John C. Lifland, United States District Court of New Jersey, sitting by designation.

taking claims. Our review of the district court's grant of summary judgment is plenary.

Huang v. BP Amoco Corp., 271 F.3d 560, 564 (3d Cir. 2001).

Inasmuch as the district court (Kauffman, J.) has already set forth the underlying factual and procedural history of this case, we find it unnecessary to repeat that history here. *See Forty Foot Partnership v. Board of Supervisors*, No. 01-4135, 2002 LEXIS 11263 (E.D. Pa. January 3, 2001).

Moreover, the district court, in its Memorandum Opinion and Order, has carefully and completely expanded its reasons for denying Forty Foot Partnership the relief it seeks and granting summary judgment to the defendants. We need not engage in a redundant analysis simply to reach the same result. Accordingly, we will affirm substantially for the reasons set forth in the district court's Memorandum Opinion.

TO THE CLERK:

Please file the foregoing not precedential opinion.

By the Court

/s/ Theodore A. McKee

Circuit Judge

