

Denver Pit Bull Lawsuit Gets New Life

Dog owners win ruling granting a trial to fight constitutionality of breed ban.

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An appeal challenging the constitutionality of a Denver breed ban has been allowed to move forward by the 10th U.S. Circuit Court of Appeals.

The decision favors plaintiffs Sonya Dias, Hillary Engel and Sheryl White in their appeal challenging the city's breed ban, which prohibits pit bull-type dogs within the city limits. Specifically, the Denver ordinance bans ownership or possession of, and calls for the euthanization of, the Staffordshire Bull Terrier, American Staffordshire Bull Terrier and the American Pit Bull Terrier, or any dog with a majority of physical traits of one or more of these breeds within the city and county.

The dog-owning plaintiffs, Dias, Engel and White, have asserted that the breed ban is unconstitutional. The original lawsuit filed by the three former Denver residents stated that they were forced to move out of the city with their dogs because of the ban, which they claimed was a violation of their constitutional rights.

This ruling reverses the United States District Court of Colorado's dismissal of the suit in 2007. More than 1,000 dogs within the city limits have been euthanized as a result of the ordinance, which went into effect in 2005.