

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SCHIED,

Case No. 15-11840

Plaintiff,

Avern Cohn

v.

United States District Judge

KAREN KHALIL, *et. al.*,

Michael Hluchaniuk

Defendants.

United States Magistrate Judge

**AMENDED ORDER STRIKING RESPONSES AND MOTIONS (Dkt. 36, 38,
58, 63), GRANTING MOTION TO STRIKE (Dkt. 57), GRANTING
MOTION TO STAY (Dkt. 75), AND SETTING DEADLINES**

Plaintiff filed this pro se civil rights and tort action against a variety of defendants on May 21, 2015. (Dkt. 1). This matter was referred to the undersigned for all pretrial proceedings. (Dkt. 56). Two defendants have filed motions to dismiss (Dkt. 24, 27). Plaintiff has filed responses to these dispositive motions. (Dkt. 36, 38). Plaintiff has also filed a motion for summary judgment and a petition for writ of mandamus. (Dkt. 58, 63). Defendant Michigan Municipal Risk Management Authority has also filed a motion to strike plaintiff's response to its motion to dismiss, pointing out that plaintiff's response does not comply with Local Rule 7.1, in that it well exceeds the page limitations found in that rule. (Dkt. 57). In response, plaintiff accuses defendant of "domestic terrorism," but acknowledges that his filing does not comply with Local Rule 7.1.

(Dkt. 62). Plaintiff appears to argue that the Local Rule is somehow trumped by the Supremacy Clause of the Constitution, although the basis for this assertion is not entirely clear.

Defendant correctly points out that plaintiff's response of 115 pages, exclusive of exhibits, well exceeds the 25 page limitation set forth in Local Rule 7.1. (Dkt. 38). The Court takes note that several of plaintiff's other responses and motions also violate Local Rule 7.1. His response to defendant Wayne County's motion to dismiss is over 50 pages, exclusive of exhibits (Dkt. 36); plaintiff's motion for summary judgment is over 100 pages, exclusive of exhibits (Dkt. 58); and plaintiff's petition for mandamus is over 80 pages, exclusive of exhibits (Dkt. 63). Plaintiff's responses (Dkt. 36 and 38), his motion for summary judgment (Dkt. 58), and his petition for mandamus (Dkt. 63) are, therefore, **STRICKEN** for failure to comply with the local rules governing the format and page limitation of motions and briefs. Merely because plaintiff is *pro se* does not mean he is not bound by the Federal Rules of Civil Procedure and Local Rules for the Eastern District of Michigan. See e.g., *Fields v. Cnty. of Lapeer*, 2000 WL 1720727 (6th Cir. 2000) ("It is incumbent on litigants, even those proceeding *pro se*, to follow ... rules of procedure.").

The Court suggests that plaintiff review the Federal Rules of Civil procedure, which can be found on the United States Courts' website and the Local

Rules for the Eastern District of Michigan, which can be found on this Court's website, before filing any further motions in this matter. Plaintiff should also review the information on the Court's website regarding proceeding in federal court without counsel:

<http://www.mied.uscourts.gov/index.cfm?pageFunction=proSe>, which includes links to the Federal Rules and the Local Rules.

Plaintiff has separately asked for a stay of 30 days in this matter. (Dkt. 75).

This motion is **GRANTED** and this matter is **STAYED** until October 21, 2015.

Plaintiff will have until **November 18, 2015** to file proper responses to the two pending motions to dismiss. The Court will allow plaintiff to re-file his motion for summary judgment and his petition for mandamus by **November 18, 2015**.

However, any significant failure to comply with the Federal Rules or Local Rules will be met with sanctions, including the striking of any non-compliant motion and brief and precluding plaintiff from filing any further motions for summary judgment or other motions. **In addition, should plaintiff's responses to the motions to dismiss fail to comply with the Federal Rules and the Local Rules, the court will recommend dismissal of this lawsuit in its entirety.**

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in

Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made.

Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: September 30, 2015

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on September 30, 2015, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to all counsel of record and that I have mailed by United States Postal Service to the following non-ECF participant: David Schied at P.O. Box 1378, Novi, MI 48378.

s/Tammy Hallwood
Case Manager
(810) 341-7887
tammy_hallwood@mied.uscourts.gov

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Date: September 30, 2015

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on September 30, 2015, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: David Schied at P.O. Box 1378, Novi, MI 48378.

s/Tammy Hallwood
Case Manager
(810) 341-7887
tammy_hallwood@mied.uscourts.gov

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--Non Case Participants:

--No Notice Sent:

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Subject:Order on Motion for Leave to File Excess Pages in 2:15-cv-11840-AC-MJH Schied v. Khalil et al

Content-Type: text/html

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U.S. District Court

Eastern District of Michigan

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The following transaction was entered on 9/29/2015 at 4:10 PM EDT and filed on 9/29/2015

Case Name: Schied v. Khalil et al

Case Number: 2:15-cv-11840-AC-MJH

Filer:

Document Number: No document attached

Docket Text:

TEXT-ONLY ORDER granting [60] Motion for Leave to File Excess Pages. Signed by Magistrate Judge Michael J. Hluchaniuk. (THal)

2:15-cv-11840-AC-MJH Notice has been electronically mailed to:

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2:15-cv-11840-AC-MJH Notice will not be electronically mailed to:

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