

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARK P. DONALDSON,

Plaintiff,

v.

AUSABLE TOWNSHIP, et al

Defendants.

Case No. 16-cv-11555

Honorable Thomas L. Ludington

Magistrate Judge Patricia T. Morris

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

On August 29, 2016, Plaintiff filed a motion, ECF No. 36, requesting an extension of the page limit for his objections to the Magistrate Judge's Report and Recommendation, ECF No. 35. Plaintiff requested that the page limit be extended from 25 to 50 pages because the Magistrate Judge recommended that some of Plaintiff's motions be denied as moot and thus did not substantively analyze those motions. On August 30, 2016, the Court denied Plaintiff's motion for a page extension. ECF No. 37. Plaintiff has now filed a motion for reconsideration of that denial.¹ ECF No. 38.

Plaintiff's motion will be denied. A motion for reconsideration will be granted if the moving party shows: "(1) a palpable defect, (2) the defect misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case." *Michigan Dept. of Treasury v. Michalec*, 181 F. Supp. 2d 731, 733-34 (E.D. Mich. 2002) (quoting E.D. Mich. LR 7.1(g)(3)). A "palpable defect" is "obvious, clear, unmistakable, manifest, or plain." *Id.* at 734 (citing *Marketing Displays, Inc. v. Traffix Devices, Inc.*, 971 F. Supp. 2d 262, 278 (E.D. Mich.

¹ Plaintiff's motion is styled a motion for "immediate reconsideration." Simply requesting immediate consideration does not necessitate the Court to respond instantly. This order is being promptly issued as a courtesy to Plaintiff, considering the time frame within which he must file objections.

1997). Plaintiff has not identified any palpable defects in the Court's prior order. Plaintiff need not object to the Magistrate Judge's findings on the motions denied as moot because the Magistrate Judge did not make findings regarding those motions. The right to further appeal will be waived only as to objections which could have been made concerning the Magistrate Judge's substantive analysis, but which were not made. Because Plaintiff will be able to adequately raise his objections in twenty-five pages, Plaintiff's motion for reconsideration will be denied. If Plaintiff submits objections in excess of twenty-five pages, the extra pages will not be considered.

Accordingly, it is **ORDERED** that Plaintiff's motion for reconsideration, ECF No. 38, of this Court's denial of an extension of the page limit for his objections to the report and recommendation is **DENIED**.

Dated: September 2, 2016

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 2, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager