

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NANCY ENGLAR and CAROL DIEHL,

Plaintiffs,

Civil Action No.
04-CV-73977

vs.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

41B DISTRICT COURT *for Clinton Township, Mt. Clemens and Harrison Township*; CHIEF JUDGE LINDA DAVIS, *of the 41B District Court, individually and in her official capacity*; and CHARTER TOWNSHIP OF CLINTON, *jointly and severally*.

Defendants.

**ORDER DISMISSING DEFENDANTS 41B DISTRICT COURT AND
CHARTER TOWNSHIP OF CLINTON**

On December 21, 2010, a status conference was held in which counsel for the Plaintiffs in this case, Nancy Englar and Carol Diehl, stipulated to the dismissal of Defendants 41B District Court and the Charter Township of Clinton. This stipulation is in light of the Sixth Circuit's December 16, 2010, Opinion, *Pucci v. Nineteenth District Court, et al.*, No. 08-2017, from which the Court notes the following language:

Looking at these sovereign-immunity factors together, the importance of local funding units' potential liability is outweighed by the integrated role of Michigan's district courts within the state judiciary (as provided for by Michigan's Constitution and statutes), the degree of supervision and control that the Michigan Supreme Court and legislature exercise over those courts, the role of state actors in appointing and removing district court judicial officers, and the traditional state function the Nineteenth District Court carries out. The Nineteenth District Court (as with Michigan trial-level district

courts generally) is entitled to the immunity protections of the Eleventh Amendment, and all federal claims against it must be dismissed.

Id. at *15.

Accordingly, all claims against Defendants 41B District Court and the Charter Township of Clinton shall be dismissed, and the only remaining Defendant is Judge Linda Davis.

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: December 22, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 22, 2010.

S/Denise Goodine
Case Manager