

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ERNEST FLAGG,

Plaintiff,

v.

Case No. 05-74253

Hon. Gerald E. Rosen

CITY OF DETROIT, *et al.*,

Defendants.

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**ORDER OF PARTIAL DISMISSAL**

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on November 14, 2007

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

Following an August 31, 2006 opinion and order in which the Court granted in part Defendants' motions to dismiss, Plaintiff filed his first amended complaint on September 21, 2006. This amended pleading omitted several parties who were named as defendants in Plaintiff's initial complaint — specifically, Michigan attorney general Mike Cox, Detroit mayor Kwame Kilpatrick, former Detroit police chief Jerry Oliver, and Mayor Kilpatrick's former chief of staff, Christine Beatty — but named three additional defendants who were not identified in this initial pleading — specifically, Detroit assistant police chief Harold Cureton and two other Detroit police officers, Craig Schartz and Billy Jackson.

On April 26, 2007, the Court issued an order directing Plaintiff to show cause why certain of his claims should not be dismissed for lack of prosecution, where there was no indication in the record that the first amended complaint had ever been served on several of the defendants named in that pleading — specifically, Cara Best, Harold Cureton, and Billy Jackson.<sup>1</sup> To date, Plaintiff has not responded to this order. Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's claims against Defendants Cara Best, Harold Cureton, and Billy Jackson are DISMISSED without prejudice for lack of prosecution. IT IS FURTHER ORDERED that Plaintiff's claims against Defendants Mike Cox, Kwame Kilpatrick, Jerry Oliver, and Christine Beatty also are DISMISSED without prejudice, in light of Plaintiff's evident election to voluntarily relinquish these claims by failing to name these individuals as parties in his first amended complaint.

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: November 14, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 14, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager

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<sup>1</sup>Although the Court's order also referred to Craig Schwartz (erroneously identified in Plaintiff's first amended complaint as "Craig Schartz"), this Defendant had previously filed an answer to the first amended complaint.