

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROY L. BROWN,

Plaintiff,

v.

Case No. 07-11312
Honorable Patrick J. Duggan

LINDA MATAUSZAK, COLLEEN
KOENIG, and JAN TROMBLEY,

Defendants.

ORDER

Plaintiff filed this *pro se* civil rights action against Defendants pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated when he failed to receive legal mail from the Michigan Court of Appeals. On May 22, 2009, Defendants filed a motion to dismiss, which this Court granted on September 1, 2009. On September 2, 2009, a judgment was entered in which Plaintiff's complaint was dismissed with prejudice. Plaintiff appealed the Court's decision and on January 31, 2011, the Sixth Circuit Court of Appeals issued a decision and held that this Court should have *sua sponte* provided Plaintiff with the opportunity to amend his complaint to avoid the defect that resulted in its dismissal. *Brown v. Matauszak*, No. 09-2259, 2011 WL 2011 WL 285251, at *8 (6th Cir. Jan. 31, 2011) (unpublished opinion). The Court therefore remanded the matter to this Court to provide Plaintiff leave to amend his complaint. *Id.* The Sixth Circuit's mandate was issued February 23, 2011, thus returning the matter to the jurisdiction of this Court.

Pursuant to the Sixth Circuit's direction, this Court is granting Plaintiff leave to amend his complaint.

Accordingly,

IT IS ORDERED, that Plaintiff shall file an amended complaint within twenty-one (21) days of this Order.

DATE: February 24, 2011

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Roy L. Brown, #217108
Bellamy Creek Correctional Facility
1727 West Bluewater Highway
Ionia, MI 48846

Julia Bell, Esq.
Magistrate Judge Charles E. Binder