

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FREDERICK FISHER,

Plaintiff,

v.

PATRICIA CARUSO, et. al.,

Defendants.

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CIVIL ACTION NO. 08-10894

DISTRICT JUDGE PAUL D. BORMAN  
MAGISTRATE JUDGE DONALD A. SCHEER

ORDER DENYING PLAINTIFF'S MOTION TO STAY PROCEEDINGS

This cause comes before the Court on Plaintiff's Motion to Stay Further Proceedings dated September 15, 2008 (Docket #28). Plaintiff was allowed to proceed in forma pauperis and filed the instant Complaint, pursuant to 42 U.S.C. § 1983, on March 4, 2008, against the Director of the Michigan Department of Corrections (MDOC) and fourteen MDOC officials employed at the Ryan Correctional Facility in Detroit, Michigan. Plaintiff alleges that he had been the victim of retaliation by these defendants for filing prison grievances and lawsuits against them.

Defendants filed a Motion for Summary Judgment on August 18, 2008, asserting that Plaintiff had failed to state a claim upon which relief may be granted under 42 U.S.C. § 1983 (Docket # 24). Plaintiff was given until September 19, 2008, to file a response to Defendants' Motion for Summary Judgment (Docket # 26). Instead of filing a response, Plaintiff filed the instant motion seeking an indefinite stay of proceedings. He claims, without providing any verification, that he is currently in settlement negotiations with the MDOC.

Given the lack of substantiation in the form of a stipulation between the parties that the instant case is close to being settled, Plaintiff's Motion to Stay Proceedings is DENIED. Plaintiff is HEREBY ORDERED to file a response to Defendants' Motion for Summary Judgment, with a brief and opposing affidavits, on or before October 20, 2008.

The parties to this action may object to and seek review of this Order but are required to act within ten (10) days of service of a copy hereof as provided for in Fed.R.Civ.P. 72(a) and E.D.Mich.LR 72.1(d)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. I 72. Filing of objections that raise some issues but fail to raise others with specificity, will not preserve all the objections a party might have to this Order. Pursuant to E.D. Mich. LR 72.1(d)(1), a copy of any objection is to be served upon this Magistrate Judge.

Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall address specifically, and in the same order raised, each issue contained within the objections.

SO ORDERED.

s/Donald A. Scheer  
DONALD A. SCHEER  
UNITED STATES MAGISTRATE JUDGE

DATED: October 6, 2008

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### CERTIFICATE OF SERVICE

I hereby certify on October 6, 2008 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on October 6, 2008. **Frederick Fisher.**

s/Michael E. Lang  
Deputy Clerk to  
Magistrate Judge Donald A. Scheer  
(313) 234-5217