

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Phillip Brown,

Petitioner,

Case No. 09-cv-14850

v.

Honorable Patrick J. Duggan

David Bergh,

Respondent.

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**ORDER GRANTING G PETITIONER'S MOTION TO APPLY HOLDING**  
**[ECF NO. 106] AND MOTION TO CONSTRUE ISSUE VIII-SECTION E**  
**[ECF NO. 107]**

This 28 U.S.C. § 2254 matter is before the Court because Michigan prisoner Phillip Brown (“Petitioner”) has filed yet additional motions to consider supplemental pleadings. The Court notes that Petitioner has filed at least 38 *pro se* motions in this case as well as numerous supplemental pleadings.<sup>1</sup>

His latest two motions ask the Court to consider *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354 (2004), when considering his third claim, and to construe the eighth issue raised in his habeas petition as raising a “false evidence” claim along with a claim of prosecutorial misconduct. Petitioner has now had

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<sup>1</sup>Petitioner is represented by counsel. Nevertheless, most of the motions and supplemental pleadings have been filed by Petitioner without counsel’s assistance.

more than enough opportunities to file such motions and/or supplemental pleadings. The Court is disinclined to consider any further such pleadings, and after entry of this order it will consider the case ready for disposition.

To the extent the motions seek to have the Court consider the arguments raised therein in its dispositive opinion, the motions are **GRANTED**.

**SO ORDERED.**

DATED: February 10, 2014

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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