

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

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SHARIAN LLOYD,

Plaintiff,

v.

Case No. 10-14903

CITY OF DETROIT, et al.,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO FILE A SUPPLEMENTAL  
BRIEF AND RESCHEDULING MOTION HEARING**

Plaintiff Sharian Lloyd brought suit against Defendants alleging deprivation of constitutional rights pursuant to 42 U.S.C. § 1983 and various state law claims.

Defendants Lisa Ray, Patrice Cooper, David Marshall, Kenneth Germain, Brian Franz, and the City of Detroit timely removed to this court on December 9, 2010. On January 24, 2011, the court remanded Plaintiff's state law claims to the Wayne County Circuit Court. The complaint alleges that the individual Defendants violated the following rights of Plaintiff:

1. "The freedom from arbitrary and unreasonable indifference by the police";
2. "The freedom from unnecessary force";
3. "The freedom to be secure in one's person";
4. "The freedom from being unlawfully assaulted and/or beaten";
5. "The right to due process of law";
6. "The right to equal protection of the laws"; and
7. "The right to liberty."

(Compl. at 52(a)-(g).) The complaint also alleges municipal and supervisory liability against Defendants City of Detroit, David Marshall, and Kenneth Germain. (*Id.* at 13-15.) Plaintiff's complaint is not a model of clarity and the practice of reciting generic constitutional violations without clearly stating the source of the right and nature of the alleged violation introduces confusion into the litigation process.

Here, because of Plaintiff's poorly pleaded complaint, the court is unable to confidently determine what claims are actually in dispute in the case. At the close of discovery, Defendants moved for summary judgment on the entirety of Plaintiff's complaint. Defendants' motion, however, analyzes alleged violations of Plaintiff's constitutional rights limited to two spheres—excessive force and wrongful arrest—and does not acknowledge that Plaintiff's complaint alleged violations of seven purported constitutional "rights." In her response, Plaintiff also fails to reference the "rights" recited in the complaint, but suggests nonetheless that the number of claims at issue in the case may be greater than those discussed by Defendants' motion. Plaintiff's response indicates that Plaintiff believes the following claims may be at issue:

1. Excessive force in violation of the Forth Amendment, as incorporated in the Fourteenth Amendment, against the individual Defendants;
2. Wrongful arrest in violation of the Fourth Amendment, as incorporated in the Fourteenth Amendment, against the individual Defendants;
3. Retaliatory arrest in violation of the First Amendment, as incorporated in the Fourteenth Amendment, against the individual Defendants;
4. Deliberate indifference to the Plaintiff's medical needs in violation of the Fourteenth Amendment against the individual Defendants; and

5. Municipal liability against Defendant City of Detroit.

These five claims do not mirror the laundry list of “rights” Plaintiff articulated in her complaint, and the court is left to conclude that any federal claims conceivably asserted by Plaintiff in her complaint but not mentioned in her responsive brief have since been abandoned, narrowed, or subsumed.

Before considering Defendants’ motion for summary judgment, the court will order Plaintiff to file a supplemental brief stating what, if any, federal claims not addressed in her responsive brief are thought to be at issue. Plaintiff may satisfy this order by stating that the five claims set forth above are the only claims currently at issue in this case. The court will also permit Defendants to file a supplemental brief in response to Plaintiff’s supplemental brief. Accordingly,

IT IS ORDERED that Plaintiff file a concise supplemental brief, limited to 10 pages, on or before **December 12, 2011**. The brief shall state whether any federal claims in addition to the five articulated above are currently in dispute in this case. If additional claims are in dispute, Plaintiff shall clearly state the nature of the claim and the source of the purported constitutional right.

IT IS FURTHER ORDERED that any supplemental brief filed by Defendants be filed on or before **December 19, 2011**. Defendants’ brief shall be limited to 10 pages.

Finally, IT IS ORDERED that the motion hearing currently scheduled for December 14, 2011, is RESCHEDULED for **December 21, 2011, at 2:00 p.m.**

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: December 7, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 7, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522