

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL SURLES,

Plaintiff,

vs.

CIVIL ACTION NO. 12-CV-12403

DISTRICT JUDGE PAUL D. BORMAN

MAGISTRATE JUDGE MONA K. MAJZOUB

GAYLE LEACH, RAYMOND
BOOKER, and MARVA MYLES

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO DISPENSE WITH
REQUIREMENT OF SECURITY [4] AND MOTION TO STRIKE [17]**

Plaintiff Samuel Surles, currently a prisoner at the Lakeland Correctional Facility in Coldwater, Michigan, has filed this action under 42 U.S.C. §§ 1983, 1985, and 1986 against three prison officials, Librarian Gayle Leach, Warden Raymond Booker, and Grievance Coordinator Marva Myles, in their individual capacities for allegedly violating his right of access to the courts and for allegedly retaliating against him when he filed various grievances. (Docket no. 1.) Plaintiff seeks \$205,000 in compensatory damages, jointly and severally against each defendant, and \$30,000 in punitive damages against each defendant individually. (*Id.* at 17.) Additionally, Plaintiff requests numerous declaratory judgments establishing Defendants' wrongdoing and several injunctions against Defendants and the Michigan Department of Corrections. (*Id.* at 16.)

Before the Court are Plaintiff's Motion to Dispense with Requirement of Security (docket no. 4), and Motion to Strike (docket no. 17). Defendants have not responded to these Motions. All pretrial matters have been referred to the undersigned for consideration. (Docket no. 10.) The Court

dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). The Motions are now ready for ruling.

I. Plaintiff's Motion to Dispense with Requirement of Security

Concurrent with the filing of his Complaint, Plaintiff filed his Motion to Dispense with the Requirement of Security. (Docket no. 4.) Plaintiff's Motion is a one-page document that appears to request a waiver of the security requirement imposed under Fed.R.Civ.P. 65(c). (*See id.*) Rule 65(c) requires the Court to impose such a requirement on a movant when the Court issues a preliminary injunction or a temporary restraining order. Fed.R.Civ.P. 65(c). Plaintiff requests relief in the form of various declaratory judgments and injunctions, but Plaintiff has not moved for a preliminary injunction or a restraining order. Therefore, Plaintiff's Motion is not ripe for adjudication, and the Court will deny the same.

II. Plaintiff's Motion to Strike

Plaintiff filed his Complaint on June 4, 2012. (Docket no. 1.) On October 15, 2012, Plaintiff brought this Motion to Strike requesting that the Court "strike from pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter as it deem just and fair, where Defendants has (sic) failed to plea or otherwise defend as provided by Fed.R.Civ.P., Rule 55(a)." (Docket no. 17.) It appears that Plaintiff is asking the Court to strike any future defenses asserted by Defendants for failure to file an answer in response to Plaintiff's Complaint. (*See id.*) Defendants, however, responded by filing their Motions to Dismiss under Fed.R.Civ.P. 12(b)(6). Therefore, the Court will deny Plaintiff's Motion to Strike.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Dispense with Requirement of Security is **DENIED**.

IT IS FURTHER ORDERED Plaintiff's Motion to Strike is **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: November 20, 2012

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Samuel Surles and Counsel of Record on this date.

Dated: November 20, 2012

s/ Lisa C. Bartlett
Case Manager