

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARSHON MYERS,

Plaintiff,

v.

Case No. 2:14-10220

District Judge Stephen J. Murphy, III

Magistrate Judge Anthony P. Patti

CYNTHIA FITZGERALD, *et al.*

Defendants.

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**ORDER CANCELLING THE HEARING ON DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT (DE 34)**

Defendant Leffler filed a motion for summary judgment on January 27, 2016. (DE 34) The Court thrice granted Plaintiff's response deadline extension requests (DE 36 and 38), but to no avail, as Plaintiff failed to meet any of the deadlines, and never filed a substantive response brief. (*See* DE 37 and 40). Notwithstanding the lack of a written response, the Court decided to hold oral argument on the motion, with a hearing initially set for July 13, 2016. (DE 40.) That day, Plaintiff informed the Court by telephone that he was having transportation issues and asked if the hearing could be rescheduled. The hearing was duly rescheduled for July 22, 2016. (DE 41.) On July 21, 2016, the Court was informed that Plaintiff would be unable to attend the hearing, as he had been

arrested and placed in custody, which the Court has confirmed through the Kent County, Michigan website at: <https://www.accesskent.com/InmateLookup/showDetail.do?bookNo=1613553> (last accessed on July 22, 2016).

Having reviewed the papers that have been filed in this matter, Defendant's pending motion for summary judgment can and will be decided without oral argument pursuant to E.D. Mich. LR 7.1(f)(2). Accordingly, the July 22, 2016 hearing is hereby **CANCELLED** and will not be rescheduled, and Court will take action on this matter on the previously submitted papers alone.

**IT IS SO ORDERED.**

Dated: July 22, 2016

s/Anthony P. Patti  
Anthony P. Patti  
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing documents was sent to parties of record on July 22, 2016, electronically and/or by U.S. Mail.

s/Michael Williams  
Case Manager for the  
Honorable Anthony P. Patti