

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

TAFT R. LEWIS,

Plaintiff,

Civil Action No.: 14-13146

Honorable Matthew F. Leitman

Magistrate Judge Elizabeth A. Stafford

v.

CITY OF ROMULUS/
ROMULUS POLICE
DEPARTMENT, *et al.*,

Defendants.

ORDER STRIKING PLAINTIFF'S SURREPLY [59]

Plaintiff Taft Lewis, proceeding *pro se*, filed a reply to Defendants City of Romulus, Romulus Police Department, Hussein Farhat, Tommy Westhoff and 34th Judicial District Court of Michigan's motions to dismiss. [59]. A party has no right under the Federal Rules of Civil Procedure to file a surreply brief. *Jones v. Northcoast Behavioral Healthcare Sys.*, 84 Fed. Appx. 597, 599 (6th Cir. 2003). While courts have discretion to permit such a filing where reasonable, (*Seay v. TVA*, 339 F.3d 454, 480 (6th Cir. 2003)), such discretion is exercised upon motion of a party for leave to file a supplemental brief, and Taft did not seek leave of this Court to file the instant surreply. *See e.g. LaSalle Nat'l Bank Ass'n v. Wonderland Shopping Ctr. Venture Ltd. P'ship*, 223 F. Supp. 2d 806, 808 n.1 (E.D.

Mich. 2002). Further, the Court finds that Defendants' reply does not raise new issues that were not raised in their original motion to dismiss such that a supplemental response is warranted. Moreover, Taft's surreply does no more than simply re-argue the points he raised in his original response to the various motions to dismiss. Therefore, the Court **ORDERS** that Taft's surreply [59] be **STRICKEN**.

IT IS SO ORDERED.

Dated: March 30, 2015
Detroit, Michigan

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

NOTICE TO PARTIES REGARDING OBJECTIONS

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S. C. §636(b)(1).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 30, 2015.

s/Marlina Williams
MARLENA WILLIAMS
Case Manager