UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM E. POWELL,

Plaintiff,

v.

INTERNAL REVENUE SERVICE,

Defendant.
_____/

Case No. 2:15-cv-11616
District Judge Paul D. Borman
Magistrate Judge Anthony P. Patti

ORDER DENYING PLAINTIFF'S MOTION FOR VAUGHN INDEX (DE 25).

In the instant action, this is Plaintiff's first official motion for a Vaughn index, although he indirectly requested a Vaughn index in an unrelated motion. (DE 22.) In response, the Court directed Plaintiff to its previous denials in related case *Powell v. IRS*, No. 2:15-cv-11033.

This is Plaintiff's third motion for a Vaughn index in the related cases. The last two were each denied without prejudice within the last two months, the Court having explained from the bench and by written order that, "Procedurally, district courts typically dispose of FOIA cases on summary judgment before plaintiff can conduct discovery." *Rugiero v. United States*, 257 F.3d 534, 544 (6th Cir. 2001). (See related case *Powell v. IRS*, 2:15-cv-11033, DE 30 and 40.) The Court has also

repeatedly explained to Plaintiff in related case 2:15-cv-11033 that, "Plaintiff may renew his motion for a *Vaughn* index during dispositive motion practice . . . ." In line with its scheduling order, we are not yet in a period that can be described as being "during dispositive motion practice." Undaunted by the Court's repeated and consistent answer to this request, Plaintiff somehow still believes that by repeating the request on a nearly monthly basis, he will get a different result. He seems unable to take "No" for an answer, thus wasting the valuable time of both the Court and the attorney for the Government. For the reasons previously stated here, from the bench, in the Court's previous orders (including but not limited to its scheduling order), and in the above-cited case law, the motion is yet again denied. To be clear, Plaintiff may not refile this motion or another motion requesting similar relief unless and until dispositive motions are pending before the Court. If he fails to heed this directive for the fourth time, he risks sanctions. He is reminded that patience is a virtue, which needs to be exercised here.

Accordingly, it is hereby ordered that the motion for a Vaughn index is again **DENIED**. (DE 25.)

IT IS SO ORDERED.

Dated: December 8, 2015

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

I hereby certify that a copy of the foregoing document was sent to parties of record on December 8, 2015, electronically and/or by U.S. Mail.

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