

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEXUAL SIN DE UN ADBUL BLUE,

Plaintiff,

CIVIL ACTION NO. 16-cv-10526

v.

DISTRICT JUDGE MARK A GOLDSMITH

RIVER ROUGE, CITY OF, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

ORDER DENYING DEFENDANTS' MOTION TO STAY DISCOVERY [37]

Plaintiff Sexual Sin De Un Adbul Blue filed this *pro se* civil rights action against Defendants City of River Rouge, River Rouge Police Department, Officer Otis, Officer J. Copeland, Officer R.M. Miller, Sergeant Mitchell, and John Doe pursuant to 42 U.S.C. § 1983 on February 12, 2016, asserting claims of false and malicious arrest, false imprisonment, and malicious prosecution, among others, with regard to his arrest and prosecution for trespass. (Docket no. 1.) This action has been referred to the undersigned for all pretrial proceedings. (Docket no. 7.)

Defendants filed a Motion for Summary Judgment and to Dismiss on June 6, 2016, arguing that Plaintiff's claims are meritless, primarily because there was probable cause to arrest Plaintiff. (Docket no. 23.) Subsequently, Defendants filed the instant Motion to Stay Discovery. (Docket no. 37.) In the Motion to Stay, Defendants request an order staying discovery until the Court renders a decision on their pending Motion for Summary Judgment and to Dismiss. Defendants make such a request to "avoid the needless expenditure of attorney fees" that would be spent by responding to Plaintiff's discovery requests. (*Id.* ¶ 4.) Plaintiff has not responded to

the Motion to Stay, and the time for response has passed. Nevertheless, Defendants inform that Plaintiff denied concurrence in the relief sought via email, and exclaimed, “Discovery is needed ASAP.” (*Id.* ¶ 1; docket no. 37-1.)

Defendants’ Motion for Summary Judgment and to Dismiss remains pending before this Court. A cursory review of Plaintiff’s Amended Complaint and Defendants’ Motion shows that the parties disagree as to whether Defendants had probable cause to arrest and prosecute Plaintiff for trespass. Plaintiff has filed, albeit without leave of Court, two responses to Defendant’s Motion for Summary Judgment and to Dismiss. (Docket nos. 32 and 35.) In his first response, Plaintiff seeks an extension of time to respond to Defendants’ Motion until after he has obtained discovery. (Docket no. 32.) Plaintiff attached the discovery request that he served upon Defendants as an exhibit to his response; the request consists of fifteen requests for production, many of which relate to the issue of probable cause. (*Id.* at 18-27.)

In light of Plaintiff’s Response to Defendants’ Motion for Summary Judgment and to Dismiss as well as Plaintiff’s discovery request, the Court finds that discovery should not be stayed pending resolution of that Motion. Additionally, upon receiving discovery from Defendants, Plaintiff may seek leave of court to supplement his Response to Defendants’ Motion. Any such request must be filed no later than September 9, 2016, and it must include a copy of the proposed supplement, which may not exceed seven (7) pages.

IT IS THEREFORE ORDERED that Defendants’ Motion to Stay Discovery [37] is **DENIED**. Defendants are directed to serve responses and objections to Plaintiff’s discovery requests in accordance with the Federal Rules of Civil Procedure.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 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: August 25, 2016

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 Plaintiff and counsel of record on this date.

Dated: August 25, 2016

s/ Lisa C. Bartlett
Case Manager