

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARVIN BELSER, SR., ET AL.,

Plaintiff,

Case Number: 2:16-cv-12792
HON. VICTORIA A. ROBERTS

v.

VONDA EVANS, ET AL.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTIONS (ECF Nos. 14, 15 & 16)

Plaintiff Marvin Belser, Sr., filed a *pro se* complaint under 42 U.S.C. § 1983, and named two defendants, Wayne County Circuit Court Judges Vonda Evans and Sheila Ann Gibson Manning. He challenged the Defendants' decisions related to a child protective services case and his criminal trial and claimed that their actions violated Michigan's Public Health Code. The Court dismissed the complaint under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted. The Court also dismissed the five additional plaintiffs named by Plaintiff because they did not sign the complaint and there was no indication that the additional plaintiffs were even aware that the complaint had been filed. Now before the Court are several motions filed by Plaintiff.

Plaintiff has filed two motions for leave to file an amended complaint. (ECF Nos. 15 & 16). “[A] district court may not permit a plaintiff to amend his complaint to defeat dismissal under 28 U.S.C. § 1915(e)(2).” *Moniz v. Hines*, 92 F. App’x 208, 212 (6th Cir.

2004). Section 1915 “also proscribes a district court from permitting a plaintiff to amend his complaint *after* that court has dismissed the complaint under § 1915(e)(2).” *Id.* (emphasis in original). The ban on amending a complaint after dismissal under § 1915(e)(2) applies without regard to whether the amendment would cure the deficiencies in the original complaint. *Id.* at n.5. The Court denies leave to amend. In his first motion to file amended complaint (ECF No. 15), Plaintiff also seeks leave to proceed *in forma pauperis* on appeal. The Court already held that any appeal could not be taken in good faith and denied *in forma pauperis* status on that basis. *See* 10/4/16 Order (ECF No. 11). Nothing in Petitioner’s motion warrants reconsideration of that decision and the Court denies leave to appeal *in forma pauperis*. Plaintiff may still seek leave from the Sixth Circuit Court of Appeals to proceed *in forma pauperis* under Fed. R. App. P. 24(a)(5).

Finally, Plaintiff’s Motion for an Attorney for Counsel and to Request a Jury Trial is moot because the complaint has been dismissed.

The Court DENIES Plaintiff’s Motion to Appoint Counsel and Request a Jury Trial (ECF No. 14), Motion to Filed an Amended Complaint or to File Sixth Circuit *In Forma Pauperis* (ECF No. 15), and Motion for Leave to File an Amended Complaint (ECF No. 16).

SO ORDERED.

S/Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

Dated: December 19, 2016