

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT A. WITZKE,

Plaintiff

v.

Case No. 2:16-cv-13753

District Judge Arthur J. Tarnow

Magistrate Judge Anthony P. Patti

RUSS MARLAN and
ALEX J. SMITH,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO AMEND /
SUPPLEMENT HIS COMPLAINT (DE 30) and PLAINTIFF'S EX PARTE
MOTION TO SUBMIT SUCH MOTION WITHOUT HEARING (DE 40)**

Currently before the Court is Plaintiff's September 20, 2017 motion for leave to amend / supplement his complaint, by which Plaintiff seeks to add a party defendant (Ebony M. Pullins-Govantes) and "to add to the substance of the Complaint on the basis of events which occurred after the filing of the underlying Complaint." (DE 30 at 1-2.) His motion is accompanied by a brief in support (DE 30 at 3-9), as well as a proposed amended / supplemental complaint (DE 30 at 10-25). Neither Defendant Marlan nor Defendant Smith has filed a response to this motion; therefore, it is unopposed. Also before the Court is Plaintiff's related November 7, 2017 *ex parte* motion to submit such motion without hearing (DE 40).

Upon consideration, each of these motions (DE 30, DE 40) is **GRANTED**.

No later than **Monday, November 27, 2017**, Plaintiff shall file his aforementioned amended / supplemental complaint (DE 30 at 10-25), including the correction of Ebony M. Pullins-Govantes's title. (*See* DE 31 at 3 n.1). Once Plaintiff does so, the Court will separately address Plaintiff's request for service upon Defendant Pullins-Govantes. (DE 29.) Notwithstanding this ruling, the hearing currently scheduled for **Friday, November 18, 2017** at 10:30 a.m. will go forward, at which time the Court will hear oral argument on Plaintiff's October 3, 2017 motion for preliminary injunction (DE 31) and Plaintiff's November 4, 2017 amended motion for preliminary injunction (DE 38).¹

IT IS SO ORDERED.

Dated: November 14, 2017

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

¹ The Court is aware of Defendants' position that their "response to Plaintiff's motion for a preliminary injunction is due November 7, 2017[,]" and their "response to Plaintiff's motion to amend/correct his motion for a preliminary injunction is due November 20, 2017." (DE 39 ¶ 3.) Nonetheless, the motion hearing can go forward. According to Plaintiff, the latter motion "should merely be considered a 'corrected' filing with attached exhibits which were not attached to the initial filing[,]" (DE 40 at 4 n.1), and Defendants filed their response on November 7, 2017 (DE 41).

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on November 14, 2017, electronically and/or by U.S. Mail.

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