

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONYA RAISBECK,

Petitioner,

v.

CASE NO. 2:16-CV-13754
HONORABLE DENISE PAGE HOOD

ANTHONY STEWART,

Respondent.

/

ORDER DENYING MOTION FOR PARTIAL SUMMARY JUDGMENT

Michigan parolee Tonya Raisbeck (“Petitioner”) has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging her state court convictions. Respondent has filed an answer to the petition and Petitioner has recently filed a reply to that answer. The matter is now before the Court on Petitioner’s motion for partial summary judgment in which she asserts that Respondent has admitted to certain facts relevant to her habeas claims such that there is no issue of material fact and the state court’s denial of relief on her claims is unreasonable.

Federal Rule of Civil Procedure 56(c) provides that summary judgment is proper:

If the pleadings, depositions, answers to interrogatories and admissions on file, together with affidavits, if any, show that there

is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

Fed. R. Civ. P. 56(c). Although the parties' pleadings and the state court record have been filed in this case, the Court has yet to consider those materials in detail. Based upon an initial review of the record, however, the Court cannot conclude that there is no genuine issue of material fact and/or that Petitioner is entitled to judgment as a matter of law. As such, summary judgment is inappropriate. Moreover, the Court does not resolve habeas cases in a piecemeal fashion. The Court will address the merits of the case in a forthcoming opinion. Accordingly, the Court **DENIES** Petitioner's motion for partial summary judgment.

IT IS SO ORDERED.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: March 1, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 1, 2017, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager