

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL CHARLES PILOT,

Petitioner,

Case No. 16-cv-14382
Hon. Mark A. Goldsmith

vs.

43RD JUDICIAL DISTRICT
COURT, et al.

Respondent.

**ORDER DIRECTING CLERK'S OFFICE
TO CHANGE NATURE OF THE SUIT AND CORRECT PARTY DESIGNATIONS**

On December 16, 2016, Plaintiff Michael Pilot filed this action, which appears to bring several constitutional challenges to the conduct of the State of Michigan 43rd Judicial District Court and the City of Hazel Park during their prosecution of Plaintiff for an ordinance violation (Dkt. 1). Plaintiff styled his action not as a civil complaint, but as a petition for a writ of habeas corpus. Because there no indication that he is, or was, a prisoner in custody, this was inappropriate. See 28 U.S.C. §§ 2254, 2255 (each applying only to persons “in custody”). The Clerk’s Office shall change the cause and nature of the suit to a civil rights action. Accord Hershey v. Carlson, No. 1:07-CV-906, 2007 WL 3003172, at *1 (W.D. Mich. Oct. 11, 2007) (directing clerk of court to change nature of suit from civil rights action to habeas proceeding).

The Clerk's Office also shall correct the party designations; "Petitioner" shall become "Plaintiff," and each "Respondent" shall become "Defendant."

SO ORDERED.

Dated: January 13, 2017
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 13, 2017.

s/Karri Sandusky
Case Manager