

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DERRICK LISTER,

Petitioner,

Case No. 2:17-cv-10367  
Hon. Denise Page Hood

TONY TRIERWEILLER,

Respondent.

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**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S (1) MOTION  
TO PROCEED IN FORMA PAUPERIS [DKT 3], (2) MOTION TO  
APPOINT COUNSEL [DKT 4], (3) MOTION FOR ORAL ARGUMENT  
[DKT 13], (4) MOTION FOR EVIDENTIARY HEARING [DKT 14], AND (5)  
MOTION FOR RELIEF FROM JUDGMENT [DKT 15]**

On January 31, 2017, Petitioner Derrick Lister, a state inmate, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Petitioner asked to have his petition held in abeyance, and then he changed his mind and requested to proceed on the claims presented in an amended petition. Respondent has been ordered to file a responsive pleading that is due on August 11, 2017. Pending before the Court are five motions filed by Petitioner seeking various forms of peremptory relief, including the appointment of counsel, an evidentiary hearing, and oral argument. [Dkts. 3, 4, 13, 14, and

15].

It is well settled that “trial courts have inherent power to control their dockets,” *Anthony v. BTR Auto. Sealing Sys., Inc.*, 339 F.3d 506, 516 (6th Cir. 2003). Trial courts maintain the power to “manage their own affairs so as to achieve an orderly and expeditious disposition of cases.” *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962).

Until Respondent has filed a responsive pleading and copies of the state court record, the Court is not in a position to decide whether Petitioneर is entitled to the relief requested. Accordingly, Petitioner’s motions will be **DENIED WITHOUT PREJUDICE**. The Court will consider whether to appoint Petitioner counsel, whether oral argument is necessary, whether an evidentiary hearing is warranted, and whether any other form of relief is appropriate in the interests of justice after the case is ready for review without the need for Petitioner to file any additional motions.

**SO ORDERED.**

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: July 12, 2017

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 12, 2017, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager

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