

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

SHAMEKA BISHOP,

Plaintiff,

v.

Case No: 17-10505

TIDEWATER FINANCE COMPANY,

Defendant.

ORDER GRANTING MOTION FOR MORE DEFINITE STATEMENT

Pending before the court is the Defendant's Motion for a More Definite Statement under Federal Rule of Civil Procedure 12(e). (Dkt. #2.) Plaintiff has not filed any response, but the time to do so has expired. See E.D. Mich. LR 7.1(e)(2)(B). Defendant requests that the court order Plaintiff to file a more definite statement regarding the alleged events which give rise to her claims. Plaintiff originally filed her complaint in state court on what appears to be a small-claims form complaint with very limited narrative background as to the facts. (Dkt. #2, Pg. ID 12.) The complaint lists dates that the claims accrued, an amount to be claimed, and defines the "reasons for the claim" as "Violation of the Fair Debt Collection Practices Act 807 of 15 U.S.C. 1692d and Fair Credit Reporting Act 623(a)(1), (a)(3), (a)(7), (a)(8), 623(b)(1)(e)." However, it contains little else. The suit was then removed on the basis of federal question jurisdiction. (Dkt. #1.)

Though this pleading may be sufficient under the rules governing practice in Michigan small claims court, it does not meet the standard set out under the Federal

Rules of Civil Procedure, which guide practice here in federal district court. Federal Rule 8(a) establishes the requirements for the contents of a complaint, including “a short and plain statement of the claim showing that the pleader is entitled to relief[.]” Fed. R. Civ. P. 8(a)(2). Plaintiff’s complaint as drafted falls short of that standard.

Under Federal Rule 12(e), the court may “order a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response.” Fed. R. Civ. P. 12(e).

Additionally, “[t]he motion must be made before filing a responsive pleading and must point out the defects complained of and the details desired.” *Id.* Plaintiff’s complaint is a pleading to which a responsive pleading, an answer, is allowed. See Fed. R. Civ. P. 8(b).

Additionally, the other requirements are met. The complaint is too vague or ambiguous to allow any reasonable response as it is utterly devoid of any underlying factual allegations. The instant motion was made before filing any answer. In it, Defendant claims that it is a creditor to Plaintiff subject to a “Do Not Call” notice, but that the complaint “states no facts, no acts or failures to act of Tidewater that violated either statute, and . . . says nothing of what [Plaintiff] believes Tidewater did or failed to do that violated one or more provisions of either statute.” (Dkt. #2, Pg. 9.) As such, the motion points out the defects complained of and the details desired.

A more definite statement is warranted. The court shall order Plaintiff to file a more definite statement in the form of an amended complaint which fully complies with the pleading standards of the Federal Rules of Civil Procedure and pertinent case law. The default time for a more definite statement is 14 days, see Fed. R. Civ. P. 12(e), but

the court will extend this window for Plaintiff, who is proceeding *pro se* and did not choose the federal forum, to respond. Plaintiff is directed to file her amended complaint by **Monday, April 24, 2017**. Failure to abide by this deadline may result in dismissal. This amendment shall not count against Plaintiff's ability to amend her complaint as a matter of course. See Fed. R. Civ. P. 15(a).

Accordingly, IT IS ORDERED that Defendant's Motion for a More Definite Statement (Dkt. #2) is GRANTED. Plaintiff is directed to file an amended complaint with the Clerk of the Court for the Eastern District of Michigan by **Monday, April 24, 2017**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 23, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 23, 2017, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(810) 984-2056