

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ABELARDO MORALEZ,

Plaintiff,

v.

Case No. 2:17-cv-10567

District Judge Laurie J. Michelson

Magistrate Judge Anthony P. Patti

MICHAEL SHANNON MOORE,
THOMAS WILSON, AMANDA RISKA,
ROBERT D. MOORE, JASON GANZHORN,
RICHARD MICHAEL KLIMMER,
GERALD WHALEN, GLENN J. PAGE,
PATRICK BURTCH, JENNY MORRIS,
SHERIDAN SURVEYING, P.C.,
THOMAS TINKLEPAUGH, and
ADAM BROOKER,

Defendants.

**ORDER REGARDING PLAINTIFF'S LETTERS (DEs 22, 24, 26) and
SETTING DEADLINES FOR PENDING MOTIONS (DEs 17, 18, 28 & 31)**

A. Plaintiff brings his lawsuit against thirteen (13) defendants, each of whom has appeared.

On February 21, 2017, Plaintiff Abelardo Moralez filed the instant lawsuit on his own behalf against **13 defendants**, who are described as follows:

- Michael Shannon Moore and Robert D. Moore of Moore Co., L.L.C.,
- Honorable Thomas Wilson and Amanda Riska of the Jackson County Circuit Court,

- Officers Jason Ganzhorn, Richard Michael Klimmer, Thomas Tinklepaugh and Adam Brooker of the City of Jackson Police Department,
- Patrick Burtch and Jennifer Morris of the City of Jackson,
- Gerald A. Whalen of the Department of Attorney General Alcohol & Gambling Enforcement Division,
- Glenn J. Page of the Judicial Tenure Commission, and
- Sheridan Surveying, P.C.

(DE 1 at 2 ¶¶ 5-12.) Plaintiff’s complaint seems to bring a total of seven different counts and seeks “1983 federal litigated damages” and “money jury award relief[.]” (DE 1 at 1-21; *see also* DE 1 at 22-47.)

B. There are four (4) pending dispositive motions filed on behalf of six (6) of the Defendants.

This case has been referred to me to conduct pretrial matters. (DE 3.) Currently before the Court are motions to dismiss filed by Defendants Michael Shannon Moore and Robert D. Moore (DE 17), Judge Thomas Wilson and Amanda Riska (DE 18), Glenn J. Page (DE 28), and Gerald Whalen (DE 31).

On March 31, 2017, I entered an order setting a May 15, 2017 deadline for Plaintiff’s response to the first two motions to dismiss. (DE 19.) On May 3, 2017, I entered an order setting a June 2, 2017 deadline for Plaintiff’s response to the third motion to dismiss. (DE 29.)

C. Discussion

Plaintiff has filed various items which warrant direction by the Court. First, Plaintiff should familiarize himself with the Local Rules of this Court, especially E.D. Mich. LR 7.1, which concerns motion practice. This rule requires a moving party to seek concurrence from the opposing party before filing a motions or request. E.D. Mich. LR 7.1(a)(1). If concurrence was sought but not obtained, this must be reflected in the motion or request. (E.D. Mich. LR 7.1(a)(2); *see, e.g.*, DE 17 at 2 ¶ 3, DE 28 at 3.). Seemingly in response to such efforts by counsel for the Moore Defendants, Plaintiff has sent the Court an objection “to motion to dismiss with concurrence.” (DE 24 at 1, DE 26 at 1; *see also* DE 26 at 2.) If Plaintiff does not agree with the moving party’s motion or request, then he should file a *response*. *See* E.D. Mich. LR 7.1(c)(1) (“A respondent opposing a motion must file a response, including a brief and supporting documents then available.”). Ordinarily, responses respond to *the substance* of the arguments made in the motion.

Second, Plaintiff has contacted the Court in an effort to “perfect service” upon Defendant Whalen. (DE 26 at 1, DE 24 at 1.) According to Plaintiff, he spoke with Assistant Attorney General Felepe H. Hall on April 7, 2017, who allegedly took issue with Plaintiff’s March 15, 2017 service by Bruce D. Boone and Associates, L.L.C., upon Defendant Whalen in care of Bonnie Czaika (seemingly of Michigan’s Liquor Control Commission). (*See* DE 24 at 2-4.)

However, it is now worth noting that, either by appearances of counsel, answers and/or motions, each of the thirteen (13) defendants has appeared. This includes Defendant Whalen, who appeared on May 17, 2017. (See DEs 6, 15, 16, 30, 32, 33; DEs 14, 20, 27; DE 28, 31).

D. Order

The Court acknowledges Plaintiff's statement that defense counsel did not provide Plaintiff with copies of the March 28, 2017 notice of appearance or same-day motion to dismiss (DE 16, 17), but it seems that the Clerk's Office has since mailed copies to him. (DE 22 at ¶¶ 1, 3.) In his April 14, 2017 filing, Plaintiff also stated that "four motions" would be filed "within (7) days." To date, Plaintiff has not filed a motion. Moreover, Plaintiff represented that "two re[s]ponses" would be filed "in accordance with the federal court ORDER[.]" presumably the Court's March 31, 2017 order setting a May 15, 2017 deadline for two of the pending motions to dismiss (DE 17, DE 18). (DE 19). To date, no such response has been filed.

Upon consideration, no later than **June 2, 2017**, Plaintiff shall file responses to the four (4) pending motions to dismiss. (DEs 17, 18, 28 & 31). Defendants shall file any reply in accordance with E.D. Mich. LR 7.1(e)(1)(C). Once this briefing period concludes, I will enter a report and recommendation as to these motions for Judge Michelson's consideration.

While the Court is aware that Plaintiff is proceeding without counsel, letters to the Court – such as those discussed above (DEs 22, 24, 26) are not pleadings and will be returned. Fed. R. Civ. P. 7; *see also* Fed. R. Civ. P. 6(b)(1)(A). Plaintiff is cautioned that his filings in this case should comply with the Federal Rules of Civil Procedure, the Local Rules of the E.D. Mich., and my practice guidelines, the latter two of which are available on the Court’s website (www.mied.uscourts.gov).

IT IS SO ORDERED.

Dated: May 23, 2017

s/Anthony P. Patti

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 23, 2017, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti