

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARL DIAMOND,

Plaintiff,

v.

Civil Case No. 19-12409
Honorable Linda V. Parker

GENESEE COUNTY LANDBANK,

Defendant.

_____/

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION (ECF NO. 76)**

This lawsuit arose from a state court action to evict Plaintiff from property in Genesee County, Michigan. On August 15, 2019, Plaintiff filed this lawsuit against Defendant seeking to appeal certain state court decisions related to the eviction and claiming discrimination. The matter was referred to Magistrate Judge Anthony P. Patti for all pretrial matters. (ECF No. 30.) Plaintiff subsequently filed two motions for preliminary injunction (ECF Nos. 23, 32), and Defendant filed a motion to dismiss (ECF No. 55).

On June 25, 2020, Magistrate Judge Patti issued a report and recommendation ("R&R") recommending that the Court deny Plaintiff's motions and grant Defendant's motion. (ECF No. 68.) At the conclusion of his R&R, Magistrate Judge Patti advised the parties that they may object to and seek review

of the R&R within fourteen days of service upon them. He further specifically advised the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*)

The deadline for filing objections to the R&R passed, with no objections received by the Court. The Court thereafter adopted the R&R and dismissed Plaintiff’s Amended Complaint with prejudice.¹ (ECF Nos. 71, 72.)

The Court subsequently received Plaintiff’s objections to the R&R. (ECF No. 75.) However, those objections were mailed only on August 3, 2020 (*id.* at Pg ID 328)—well beyond the deadline for their filing. Approximately two weeks later, the Court received a motion from Plaintiff entitled “Motion for Reconsideration, Alter or Amend a Judgment, and Relief from a Judgment or Order to, Court Report and Recommendation to Deny Plaintiff’s Motion for Injunctive Relief and Grant Defendant’s Dispositive Motion.” (ECF No. 76.) Plaintiff then sent the Court a document titled, in part, “Exhibits Brief for Rule 59 and Rule 60.” (ECF No. 77.)

¹ The decision adopting the R&R indicates that Magistrate Judge Patti did not address Plaintiff’s second motion for preliminary injunction. (*See* ECF No. 71 at Pg ID 300.) Magistrate Judge Patti did not refer to the motion in the opening or concluding sections of the R&R (*see* ECF No. 68 at Pg ID 261, 289); however, he did discuss the motion within the body of the decision (*id.* at Pg ID 269-71). The text entry for the R&R indicates that Magistrate Judge Patti was recommending the denial of *both* motions for preliminary injunction. (ECF No. 68.) None of this changes the result of the Court’s decisions in this case.

Plaintiff's filings contain rambling and lengthy statements. None of the documents demonstrate an error in Magistrate Judge Patti's R&R or present facts to support Plaintiff's claims. Specifically, Plaintiff fails to present facts to support his speculative assertions that Defendant discriminated against him, and he cannot show that this Court has jurisdiction to review the state court's decisions relevant to the property at issue.

Accordingly,

IT IS ORDERED that Plaintiff's motion for reconsideration or to alter or amend the judgment (ECF No. 76) is **DENIED**.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 29, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 29, 2021, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager