

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT CARMACK,

Plaintiff,

Case No. 18-cv-11018

Hon. Matthew F. Leitman

v.

CITY OF DETROIT, *et al.*,

Defendants.

ORDER CONCERNING POSSIBLE SANCTIONS
MOTION BY DEFENDANTS

On December 4, 2018, Plaintiff Robert Carmack filed a Notice of Voluntary Dismissal of his claims against Defendants Mike Duggan, the City of Detroit, and the Detroit Building Authority. (*See* ECF #51.) In response to that notice, Defendants Duggan and the City of Detroit expressed a desire to file a motion for sanctions pursuant to Federal Rule of Civil Procedure 11, 28 U.S.C. § 1927, and/or E.D. Mich. Local Rule 7.1.

The Court's preliminary research appears to indicate that, notwithstanding Carmack's voluntary dismissal of his claims, the Court retains jurisdiction to hear and determine Defendants' request for sanctions. *See, e.g., Red Carpet Studios Division of Source Advantage, Ltd. v. Sater*, 465 F.3d 642, 644-45 (6th Cir. 2006) (holding that district court had jurisdiction to impose sanctions under 28 U.S.C. § 1927 after case was voluntarily dismissed because, among other things, the "court's

jurisdiction to issue sanctions under 28 U.S.C. § 1927 or pursuant to a court's inherent authority is ever present").

Any Defendant may file a motion for sanctions by not later than **January 11, 2019**. In that motion, the Defendant shall address whether the Court retains jurisdiction to award sanctions and shall specify, in detail, the factual and legal bases for the request for sanctions. If any Defendants files such a motion, Carmack shall respond by no later than 30 days after the motion is filed. Carmack may respond separately if separate motions for sanctions are filed. In Carmack's response(s), if he contests this Court's jurisdiction to award sanctions, he shall identify the authority that supports that position. He shall also set forth, in detail, the facts and legal arguments that warrant denial of the motion(s).

IT IS SO ORDERED.

Dated: December 7, 2018

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 7, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764