

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRENT BROWN,

Plaintiff,

v.

Case No. 5:16-cv-12362

Judge Judith Levy

Magistrate Judge Anthony P. Patti

S. RIVARD, et al.,

Defendants.

**ORDER DENYING AS MOOT DEFENDANTS' MOTION FOR MORE
DEFINITE STATEMENT (DE 16)**

Judge Levy has referred pretrial matters to me for resolution in this *pro se* prisoner civil rights case. (DE 6.) Pending now is Defendants' motion for more definite statement pursuant to Fed. R. Civ. P. 12(e),¹ based on the illegibility of three pages of *pro se* Plaintiff's Complaint. (DE 16.) After being granted an extension of time to do so (DE 21), Plaintiff filed a response on December 8, 2016. (DE 23.) Defendant did not file a reply within the time allotted for so doing under LR 7.1(e)(2)(C).

Defendants correctly assert in their motion that pages 3, 7 and 9 of Plaintiff's handwritten Complaint (DE 1) are illegible. Therefore, Defendants "ask

¹ Fed.R.Civ.P. 12(e) provides in relevant part that "[a] party may move for 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."

that this Court order [Plaintiff] Brown to produce a more definite statement or a more legible complaint.” (DE 16 at 8.) In response, Plaintiff provided new, handwritten copies of those pages of his Complaint. (DE 23.)

Ideally, Plaintiff would have resubmitted a new copy of the entire Complaint; nonetheless Defendants received the relief they requested—Plaintiff has provided legible copies of the previously illegible pages of his Complaint. The motion for more definite statement (DE 16) accordingly is **DENIED AS MOOT**. The portions of Plaintiff’s response containing legible copies of pages 3, 7 and 9 of Plaintiff’s Complaint (DE 23 at 3, 5 and 6) are substituted for the previously filed, illegible pages 3, 7 and 9 of the Complaint. (DE 1 at 3, 7, 9.) Defendants shall answer or otherwise plead in response to Plaintiff’s Complaint by January 10, 2017.

IT IS SO ORDERED.

Dated: December 20, 2016

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 December 20, 2016, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti