

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHANIEL PORTER,

Plaintiff,

CIVIL ACTION NO. 16-cv-12490

v.

DISTRICT JUDGE JUDITH E. LEVY

MICHIGAN DEPARTMENT OF
CORRECTIONS PAIN
MANAGEMENT COMMITTEE, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

**ORDER GRANTING PLAINTIFF'S *EX PARTE* MOTION TO AMEND
COURT'S ORDER AMENDING CAPTION [22]**

Plaintiff, a state inmate in the custody of the Michigan Department of Corrections (MDOC), filed this *pro se* prisoner civil rights action against multiple defendants on June 30, 2016, pursuant to 42 U.S.C. § 1983, alleging violations of his First, Eighth, and Fourteenth Amendment rights. (Docket no. 1.) This action has been referred to the undersigned for all pretrial purposes. (Docket no. 8.) Plaintiff filed the Complaint under the name “Nathaniel K. Owusu;” however, after learning that the MDOC’s offender tracking information system listed the name of the inmate assigned to Plaintiff’s prisoner number, 129599, as “Nathaniel Porter,” with an alias of “Nathaniel Kalonji Owusu,” the Court ordered that the case caption in this matter be amended to read, “Nathaniel Porter, #129599 v. Michigan Department of Corrections Pain Management Committee.” (Docket no. 10.) The case caption was amended accordingly on August 8, 2016.

Plaintiff then filed the instant *Ex Parte* Motion to Amend Court's Order Amending Caption on August 29, 2016, pursuant to Federal Rule of Civil Procedure 59(e). (Docket no. 22.) As an initial matter, Plaintiff's Motion is procedurally improper, as Rule 59(e) governs motions to alter or amend a judgment, and the Court's Order Amending Caption does not constitute a judgment under Rule 59(e). Fed. R. Civ. P. 59(e). Therefore, in light of Plaintiff's *pro se* status, the Court will construe Plaintiff's Motion as a motion for reconsideration.

In his Motion, Plaintiff requests that the case caption be amended to reflect his legal name, "Nathaniel K. Owusu," or, in the alternative, that the caption be amended to reflect both his legal name and his committed name, "Nathaniel Porter," with his legal name being the dominant one. (Docket no. 22 at 2-3.) To support his request, Plaintiff explains and produces MDOC memoranda reflecting that he changed his legal name from Nathaniel Porter to Nathaniel Kalonji Owusu on or about April 7, 1994. (*Id.* at 1-2, 7-8.) The memoranda also provide that while prison policy requires that Plaintiff be referred to by his new legal name, his commitment name will continue to be used on all official MDOC documents, and the MDOC's database will reflect both names, except on commitment-related files. (*Id.* at 7-8, 10.) In light of the information provided by Plaintiff, and to prevent any confusion regarding Plaintiff's identity (e.g., in court-initiated correspondence to Plaintiff at the MDOC facility or in the payment of the filing fee from Plaintiff's prisoner trust fund account to the court), the Court will grant Plaintiff's Motion and institute the alternative relief sought by Plaintiff.

IT IS THEREFORE ORDERED that Plaintiff's *Ex Parte* Motion to Amend Court's Order Amending Caption [22] is **GRANTED**.

IT IS FURTHER ORDERED that the case caption in this matter be amended to read:
“Nathaniel K. Owusu, a.k.a. Nathaniel Porter v. Michigan Department of Corrections Pain Management Committee, et al.”

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: March 7, 2017

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Plaintiff and counsel of record on this date.

Dated: March 7, 2017

s/ Lisa C. Bartlett
Case Manager