

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEVEN JAMES-EL,

Plaintiff,

Case Number: 5:17-cv-10791
HON. JOHN CORBETT O'MEARA

v.

DETROIT POLICE DEPARTMENT, ET
AL.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

Plaintiff Steven James-El filed a *pro se* complaint challenging the conduct of police officers during his arrest in connection with the convictions for which he is currently incarcerated. The Court summarily dismissed the complaint, finding it barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), because a ruling in Plaintiff's favor would necessarily render his continuing confinement invalid and his continued confinement had not been reversed on direct appeal, called into question by a federal court's issuance of a writ of habeas corpus under 28 U.S.C. § 2254, or otherwise invalidated. Now before the Court is Plaintiff's motion for reconsideration.

Pursuant to Local Rule 7.1(h), a party seeking reconsideration must demonstrate (i) a "palpable defect" by which the court and the parties have been "misled," and (ii) that "correcting the defect will result in a different disposition of the case." E.D. Mich. L.R. 7.1(h)(3). A "palpable defect" is an error that is "obvious, clear, unmistakable, manifest

or plain.” *United States v. Cican*, 156 F. Supp. 2d 661, 668 (E.D. Mich. 2001).

Plaintiff argues that success on his complaint would not have rendered his continued confinement invalid. In the complaint, Plaintiff claimed that defendants planted the marijuana and firearm. These items both formed the basis for his convictions. Thus a finding in his favor would necessarily imply the invalidity of his confinement. The Court’s decision dismissing the complaint was not based upon a palpable defect by which the Court was misled and the Court will deny the motion.

Accordingly, the Court DENIES Plaintiff’s Motion for Reconsideration (ECF No. 7).

s/John Corbett O’Meara
United States District Judge

Date: January 24, 2018

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 24, 2018, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager