

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

Genre Brogue,

Plaintiff,

Case No. 18-cv-11371

v.

Judith E. Levy

United States District Judge

Meghan Brennan, *et al.*,

Mag. Judge Elizabeth A. Stafford

Defendants.

_____ /

ORDER DENYING MOTION TO MANDATE FILE [24]

On November 6, 2019, pro se Plaintiff Genre Brogue filed a motion to mandate file, asking that her file “be sent to FTCA in hopes of rectifying the wrong I outlined in my original filing[.]” (ECF No. 24, PageID.93.) She argues that “too much error and misunderstandings can only lead to worse contempt of justice as well as more moral and monetary damages which I am optimistic FTCA will agree with me and rectify the wrong perpetrated against me for too long to the best of their ability. . .” (ECF No. 24, PageID.94.) For the reasons set forth below, Plaintiff’s motion is denied.

On June 5, 2018, the Court dismissed Plaintiff's complaint for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (ECF No. 7.) On July 18, 2018, the Court denied Plaintiff's motion to reinstate her case. (ECF No. 9.) On December 19, 2018, the Court denied Plaintiff's motion for rebuttal/change of venue and motion for default judgment. (ECF No. 12.) Plaintiff appealed, and on July 24, 2019, the Sixth Circuit denied her appeal and affirmed this Court's December 18, 2018 order. (ECF No. 22.)

It is unclear what Plaintiff seeks in this motion, but it appears she may be seeking to reinstate her case. Plaintiff has already appealed the dismissal of her case, and the Sixth Circuit affirmed the dismissal. While she argues that she is "optimistic that the FTCA will agree with [her]," this argument is misplaced because the Federal Tort Claims Act ("FTCA") is a statute and therefore it cannot opine on this matter. Accordingly, since this case has already been dismissed and affirmed on appeal, and the requested relief is not available under any set of facts, the motion is DENIED.

IT IS SO ORDERED.

Dated: November 20, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 20, 2019.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager