

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

Leon Taylor-Bey,

Plaintiff,

Case No. 23-11958

v.

Judith E. Levy

United States District Judge

Jodi Deangelo and Heidi
Washington,

Mag. Judge Curtis Ivy, Jr.

Defendants.

_____ /

ORDER

On or about January 19, 2024, Plaintiff Leon Taylor-Bey filed a letter with the Court, stating:

Due to medical reasons, upcoming operation on my back and operation on my one eye, I need [a] one[-]year dismissal without prejudice.

The Defendants have not file[d] answers to [the] complaint yet.

[I] [a]wait your prompt reply.

(ECF No. 19, PageID.124.) Because Plaintiff is proceeding without the benefit of counsel, the Court must liberally construe his filings. *See Sutton v. Mountain High Invs., LLC*, No. 21-1346, 2022 WL 1090926, at

*2 (6th Cir. Mar. 1, 2022) (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)). However, it is not clear whether Plaintiff is requesting that the Court stay the case for one year or dismiss the case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A).¹

Accordingly, the Court ORDERS Plaintiff to clarify his request, in writing, by **Wednesday, February 28, 2024**. In his response, Plaintiff must indicate whether he is requesting (1) a stay of the proceedings for one year or (2) a dismissal without prejudice under Rule 41(a)(1)(A).²

In light of Plaintiff's request, the Court also extends the deadline for Defendants to file a responsive pleading *sua sponte* from Monday, February 12, 2024 to **Wednesday, March 13, 2024**. See Fed. R. Civ. P. 6(b)(1)(A). (See ECF Nos. 15, 16.)

IT IS SO ORDERED.

Dated: February 7, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

¹ Rule 41(a)(1)(A) states: “[T]he plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]”

² The Court notes that if Plaintiff elects to dismiss this case without prejudice, he will forfeit the filing fee paid in this case and will be required to pay an additional filing fee of \$402.00 (or apply to proceed *in forma pauperis*) when he refiles this case.

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 February 7, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager