

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

William A. Rankin,

Plaintiff,

Case No. 23-12183

v.

Judith E. Levy

United States District Judge

Brian Lavan and Associates, PC, *et al.*,

Mag. Judge Anthony P. Patti

Defendants.

**OPINION AND ORDER DISMISSING CASE UNDER FEDERAL
RULE OF CIVIL PROCEDURE 3 AND STRIKING
PLAINTIFF'S MOTIONS [3, 4, 8, 9, 10]**

Pro se Plaintiff William A. Rankin files suit against Defendants Brian Lavan and Associates, PC, and Collene K. Corcoran. (ECF No. 1.) His Complaint specifically states that it is a “Complaint to Challenging [sic] Subject-Matter Jurisdiction of Opinion and Order of May 15, 2023 and All of Its Rulings.” (*Id.* at PageID.1.) Plaintiff seeks to “overrule all of the rulings of Judge Levy’s Opinion and Orders,” referencing the

undersigned's Orders from Case Nos. 06-cv-13726 and 23-cv-10966.¹ Plaintiff also filed an application to proceed in district court without prepaying fees or costs (ECF No. 2), and five motions. (ECF Nos. 3, 4, 8, 9, 10.)

Although Plaintiff's filing was docketed as a complaint and has the word "complaint" in the title, it appears to be a motion for reconsideration of the May 15, 2023 order in Case No. 23-cv-10966, a motion for summary judgment (ECF No. 1, PageID.17), a motion to request Judge Hood (*Id.* at PageID.18), and a motion for change in venue. (*Id.* at PageID.17.) The filing does not contain the elements of a complaint as specified in Federal Rule of Civil Procedure 8, as it does not identify the basis for the Court's jurisdiction. Instead, Plaintiff contends that the May 15, 2023 order in Case No. 23-cv-10966 should be set aside because of "a pattern of biasness from the judges." (*Id.* at PageID.2–7.) Also, Plaintiff requests that the

¹ Plaintiff does not explicitly mention Case Nos. 06-cv-13726 and 23-cv-10966; however, the Court infers that his filing relates to those cases as Plaintiff seeks to "overrule all of the rulings of Judge Levy's opinion and Orders." (ECF No. 1, PageID.1.) Case Nos. 06-cv-13726 and 23-cv-10966 involve the same parties and issues, and appeared before this Court.

Court “grant the Complaint,” further supporting that this is, in actuality, a motion. (*Id.* at PageID.17.)

“A civil action is commenced by filing a complaint.” Fed. R. Civ. P. 3. Plaintiff cannot open a new civil case by filing a motion; thus, he did not properly commence a civil action. Accordingly, this case is dismissed without prejudice. (*See* Case No. 23-cv-10966, ECF No. 6.)

Additionally, Plaintiff’s five motions are all related to Case Nos. 06-cv-13726 and 23-cv-10966. These motions are: motion to change venue (ECF No. 3), motion to request Judge D.P. Hood (ECF No. 4), “motion my [sic] case be reassigned to a new judgeand [sic] new venue; Judge Levy rulings have shown a pattern of being bias [sic]; and Plaintiff is requesting Rule 55 default judgment” (ECF No. 8), “motion to challenge subject-matter jurisdiction of opinion and order of May 15, 2023 and all of its rulings and a motion be reassigned to a new judge and new venue; Judge Levy rulings have shown a pattern of being bias [sic]” (ECF No. 9), and a “motion to change venue and motion to request Judge D.P. Hood.” (ECF No. 10.) The Court warned Plaintiff in Case Nos. 06-cv-13726 and 23-cv-10966 that no further filings would be accepted in the matter and that any future filings related to Case No. 06-cv-13726 would be stricken,

even if filed as a separate case. (See Case Nos. 06-cv-13726, ECF Nos. 85, 88, 91, 98; 23-cv-10966, ECF Nos. 6, 10.) These motions are stricken pursuant to the Court's May 15, 2023 opinion and order. (Case No. 23-cv-10966, ECF No. 6.)

Plaintiff continues to file repetitive and meritless motions in violation of the Court's warnings. The Court now warns Plaintiff that further violation of these warnings may result in an order enjoining him from future filings. See *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1998) ("There is nothing unusual about imposing prefiling restrictions in matters with a history of repetitive or vexatious litigation.").

Accordingly, this case is DISMISSED WITHOUT PREJUDICE. Plaintiff's five motions (ECF Nos. 3, 4, 8, 9, 10) are STRICKEN.

IT IS SO ORDERED.

Dated: October 17, 2023
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 October 17, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager