

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL R. ROBINSON,

Plaintiff,

v.

STATE OF MICHIGAN,
GOVERNOR JENNIFER GRANHOLM,
SHARON SUSAN FOSTER,
AMY WELCH,
RAE LEA TROUTNER,
STUART DUNNINGS, Ingham Cty. Prosecuting Attorney,
SHAUNA DUNNINGS,
Deputy Administrator of Circuit Court of Ingham County;
GENE L. WIGGLESWORTH, Sheriff of Ingham County;
JAMES BESON, Ingham County Police Officer
JOHN P. MCDONOUGH, Maryland Secretary of State,
MICHAEL EVANS, Sheriff of Calvert County, Md.,
LAURA L. MARTIN, Maryland State's Attorney,
KATHY SMITH, Clerk of Calvert County, Md.,
SUSAN CROSBY, Assistant Director,
Calvert County Child Support Enforcement, and
RAYMOND FOSTER, Delaware Dep't of Family Servs.,

Defendants.

Case No. 1:09-cv-564

Chief Judge Paul L. Maloney

Magistrate Judge Joseph G. Scoville

ORDER

**Directing Service of Documents on the Defendants;
Directing the Defendants to Respond to the Plaintiff's Objections;
Directing the Defendants to Provide Evidence of Plaintiff's Incarceration Status on June 18, 2009**

On Tuesday, August 4, 2009, the Magistrate Judge issued a Report and Recommendation ("R&R") [# 9] recommending that this court dismiss the complaint pursuant to 28 U.S.C. § 1915(e)(2) because it is frivolous, malicious, and fails to state a claim on which relief can be granted. *See* R&R at 20. The R&R also recommends that Robinson be required to show cause why

this dismissal should not count as a “strike” under 28 U.S.C. § 1915(g) and why he should not be charged the \$350 filing fee, specifically by producing, if he can, “an affidavit, supported by competent records disclosing whether he was in custody on June 18, 2009,” when this case was filed. *Id.* The R&R further recommends that the court temporarily enjoin Robinson from filing any new actions and from amending the complaint in his existing actions to add any of these defendants as parties, so that the court can process the voluminous materials already filed in his various lawsuits and decide whether his history of litigation abuse warrants a three-strikes restriction on the types of claims he can assert and possibly impose additional sanctions. *Id.* Plaintiff filed timely objections [doc. # 10] on Friday, August 14, 2009, and the court would benefit from the defendant’s response.

No later than Friday, September 4, 2009, defendants SHALL:

- **FILE an opposition brief** responding in detail to each objection.
- **FILE an affidavit, and supporting records**, showing whether plaintiff was incarcerated when his complaint in this case was filed on June 18, 2009.

The Clerk of Court SHALL mail paper copies of the complaint, the docket sheet, the R&R, and the plaintiff’s objections, to the defendants.

This is not a final and immediately appealable order.

IT IS SO ORDERED on this 17th day of August 2009.

/s/ Paul L. Maloney
Honorable Paul L. Maloney
Chief United States District Judge