



**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

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**NOTICE OF AMENDMENTS TO LOCAL RULES**

At their regular meeting on March 6, 2023, the Judges of the United States District Court for the Eastern District of Michigan approved amendments to LR 5.2, Enjoined Filers, and LR 83.11, Assignment and Reassignment of Civil Cases to Judges. Pursuant to Fed. R. Civ. P. 83, the proposed amendments were previously published for comment.

Also at their regular meeting on March 6, 2023, the Judges approved Electronic Filing Policies and Procedures – LR Appendix ECF.

These amendments will be effective April 1, 2023.

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[Additions are indicated by underline, and deletions by strikethrough.]

**LR 5.2      Enjoined Filers**

A district judge may enjoin a litigant from filing actions without first obtaining leave of court if the judge finds that the litigant has engaged in a pattern of filing repetitive, frivolous, or vexatious cases.

**COMMENT:** The Sixth Circuit court of appeals has authorized courts to implement a pre-filing screening mechanism to filter out complaints from litigants who have filed multiple actions that previously were found to be frivolous. See *Feathers v. Chevron, U.S.A., Inc.*, 141 F.3d 264, 269-70 (6th Cir. 1998).

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**LR 83.11      Assignment and Reassignment of Civil Cases to Judges**

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(b) Reassignment of Civil Cases.

(1) – (8) [Unchanged]

(9) New cases filed by filers enjoined under LR 5.2 shall be docketed as a new civil action and then reassigned to the district judge that issued the injunction against that filer. Motions filed by filers enjoined under LR 5.2 shall be docketed as a miscellaneous matter and reassigned to the district judge that issued the injunction against that filer.

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## Electronic Filing Policies and Procedures – LR Appendix ECF

### R1 Definitions

(h) “Initiating Papers” ...

(i) “Media File” is an audio or video recording that is presented in one of the following formats to be filed with the Court: avi, mov, mp3, mp4, mpeg, wav, wmv. (See R19(c)).

Re-letter

(j) “Notice of Electronic Filing” ...

(k) “PageID” ...

(l) “Paper” ...

(m) “Portable Document Format” ...

(n) “Proposed Order” ...

- (o) “Public Access to Court Electronic Records” ...
- (p) “Restricted Paper” ...
- (q) “Text-Only Order” ...
- (r) “Traditional Manner” ...
- (s) “Web-Based Resource” ...

## **R6 Referencing the Court Record**

A filing user referring to a portion of the record previously filed shall make reference to the PageID (see R1(j)) identified thereon, following the citation form identified below.

Pro se litigants are exempt from this requirement.

### TO REFERENCE:

A single page

Multiple sequential pages

Multiple pages that are not in succession

### CITATION FORM EXAMPLE:

PageID.234

PageID.234-235

PageID.234, 238, 245

The citation form for any filing that references a portion of a different case record within the Eastern District of Michigan shall be preceded with the 13-character case number for that other case (e.g., 1:19-cv-59999 PageID.234).

[NOTE: PageID numbers are assigned to restricted papers (see R1(o)) but will not be available to filing users for referencing.]

If a media file is filed as an exhibit to a paper, the filing user must include a timestamp citation wherever it is referenced in the paper (e.g., Exhibit A – Dashcam video 4:36 – 6:03)

(see R19(c)).

**R19(c) Media Files**

Media files (see R1(i)), such as an audio clip or video clip, may be filed only with leave of court ~~and a filing user must use the Media File Upload procedures described below. — See Ex Parte Motion for Leave to File an Exhibit Using the Media File Upload~~ ~~(EXHIBIT D)~~. A filing user must file a motion for leave in accordance with L.R. 7.1 and include the following:

- (1) A statement regarding concurrence pursuant to L.R. 7.1(a);
- (2) A description of the content of the media file;
- (3) A concise explanation of how the media file provides factual support to the motion, response, reply or memorandum;
- (4) Whether the media file has been or will be used in a court proceeding; and
- (5) Whether the content of the media file complies with the privacy protections outlined in the E-Government Act of 2002 and all other applicable law (see R21).

If the Court grants the motion, the filing user must provide a timestamp reference to the part of the media file that is offered in support of the corresponding paper (see R6). All audible portions of a media file must be transcribed; the transcript must be filed in written form as an exhibit to the paper (see R19(a)).

The approved media file exhibit is submitted using the electronic portal called

“Media File Upload” located in the ECF system and then must be filed according to the following procedures:

~~If the Court grants a filing user’s motion, media files must be submitted using the electronic portal called “Media File Upload” located in the ECF system. All media files must be in one of the following formats: avi, mov, mp3, mp4, mpeg, wav, wmv. Files not submitted in the proper format may be stricken.~~

~~The exhibit then must be filed according to the following procedures:~~

(1) The filing user must prepare an index of exhibits. This index must be filed as an attachment to the main paper and must state that the media file exhibit is being filed under this rule.

(2) The filing user shall file the media file exhibit via the portal. The Clerk's Office will note on the docket its receipt of the exhibit.

(3) The filing user shall file the transcription of any audible portions of the media file as an attachment to the main paper.

(4) A filing user must serve materials filed under this rule on other parties in accordance with the federal and local rules, and file a certificate of service.

Files submitted without leave, not in the proper format or not in compliance with the above procedures may be stricken.

March 13, 2023