



**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 November 7, 2022, the Judges of the United States District Court for the Eastern District of Michigan approved amendments to the following local rules:

- LR 5.1 Filing of Papers
- LR 7.1 Motion Practice
- LR 83.11 Assignment and Reassignment of Civil Cases to Judges
- LCrR 57.10 Assignment and Reassignment of Criminal Cases to Judges

Pursuant to Fed. R. Civ. P. 83, the proposed amendments were previously published for comment. These amendments will be effective December 1, 2022.

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

LR 5.1 Filing of Papers

(e) Restrictions. Motions must not be combined with any other stand-alone document. See Rule 7.1(i).

LR 7.1 Motion Practice

(a) Seeking Concurrence in Motions and Requests.

(1) Before filing a motion relating to discovery, the movant must comply with Federal Rule of Civil Procedure 37(a)(1). Otherwise, the movant must

ascertain before filing whether the contemplated motion or request under Federal Rule of Civil Procedure 6(b)(1)(A) will be opposed. To accomplish this, the movant must confer with the other parties and other persons entitled to be heard on the motion in good faith and in a manner that reasonably explains the basis for the motion and allows for an interactive process aimed at reaching agreement on the matter or those aspects of the matter that can be resolved without court intervention, given the nature of the contemplated motion. The conference must be held sufficiently in advance of filing the motion to allow a good faith interactive exchange aimed at resolving the matter. If the movant obtains concurrence, the parties or other persons involved may make the subject matter of the contemplated motion or request a matter of record by stipulated order.

(2) If concurrence is not obtained, the motion or request must state:

(A) there was a conference between attorneys or unrepresented parties and other persons entitled to be heard on the motion in which the movant explained the nature of the motion or request and its legal basis and requested but did not obtain concurrence in the relief sought;

(B) despite reasonable and timely efforts specified in the motion or request, the movant was unable to conduct a conference; or

(C) concurrence in the motion has not been sought because of the emergent nature of the relief requested in the motion; or

(~~E~~ D) concurrence in the motion has not been sought because the movant or nonmovant is an incarcerated prisoner proceeding pro se.

(3) The court may ~~tax costs~~ impose sanctions for unreasonable withholding of consent and for violating this rule, which may include taxing costs and attorney's fees, denying the motion, and striking the filing.

(i) Restrictions. Motions must not be combined with any other stand-alone document. For example, a motion for preliminary injunctive relief must not be combined with a complaint, a counter-motion must not be combined with a response or reply, and a motion for downward departure must not be combined with a sentencing memorandum. Papers filed in violation of this rule will be stricken.

COMMENT: Federal Rule of Civil Procedure 6(b)(1)(A) permits a person to seek an enlargement of time “with or without motion or notice ... if a request is made before the original time or its extension expires...” Although the Court generally prefers that such relief be sought by stipulation or motion, if a person chooses to seek relief by means of a “request,” LR 7.1(a) ~~requires contact with other parties and other persons entitled to be heard on the motion to seek concurrence in the relief requested~~ still applies. The court retains the authority to alter the briefing schedule.

LR 7.1(a) requires that a moving party conduct a meaningful and timely conference with other parties to explain the nature of the relief sought and the grounds for the motion, to seek concurrence, and to narrow the issues. The Court’s strong preference is for conferences held in a manner that facilitates discussion and debate, such as in person, by video or by telephone. Sometimes, email exchanges may suffice if the motion is rudimentary and uncomplicated, or to document conversations. But sending an email without engaging the other parties will not satisfy this rule.

LR 83.11 Assignment and Reassignment of Civil Cases to Judges

(b) Reassignment of Civil Cases

(1) – (4) unchanged

(5) Successive habeas corpus petitions challenging the same conviction or sentence regardless of grounds asserted shall be assigned to the judge to whom the original petition was assigned ~~or to the judge who is appointed to fill the vacancy of that judge. If no judge has been appointed to fill that vacancy, the matter will be reassigned by random method under (a).~~ If that judge no longer receives such assignments, the petition will be reassigned under LR 83.11(a).

(6) Motions for relief filed under 28 U.S.C. § 2255 shall be assigned to the Judge who imposed sentence on the defendant ~~or to the Judge who is appointed to fill the vacancy of the sentencing Judge. If no judge has been appointed to fill that vacancy, the sentencing judge no longer receives any cases due to death or retirement, the matter will be reassigned by random method under subsection~~ LR 83.11(a).

However, motions under 28 U.S.C. § 2255 filed by co-defendants in multi-defendant cases will be reassigned to the judge to whom the first motion was reassigned.

(7) Companion Cases (unchanged)

(8) Matters arising from a civil, special civil (as defined in subsection (a)(1)), or miscellaneous case assigned to ~~(1) a judge who no longer receives such case assignments due to death or retirement has retired from the court, or (2) a senior judge receiving special civil or miscellaneous cases, will be assigned to the judge who is appointed to fill the vacancy of that judge. If no judge has been appointed to fill that vacancy, the matter will be reassigned by random method under LR 83.11(a).~~

LCrR 57.10 Assignment and Reassignment of Criminal Cases to Judges

(b) Reassignment of Criminal Cases

(1) – (4) unchanged

(5) Matters arising from a criminal case assigned to ~~(1) a judge who who has retired from the court, or (2) a senior judge~~ no longer receives any criminal cases because of death or retirement will be reassigned ~~to the judge who is appointed to fill the vacancy of that judge under LCrR 57.10(a). If no judge has been appointed to fill that vacancy, the matter will be reassigned by random method under (a)~~ a matter is reassigned under this subrule, matters arising in cases of co-defendants in multi-defendant cases will be reassigned to the judge to whom the first matter was reassigned.

November 17, 2022