



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

539 THEODORE LEVIN UNITED STATES COURTHOUSE
231 W. LAFAYETTE BOULEVARD
DETROIT, MICHIGAN 48226
www.mied.uscourts.gov

KINIKIA D. ESSIX
COURT ADMINISTRATOR
PHONE: 313-234-5051
FAX: 313-234-5399

DIVISIONAL OFFICES
ANN ARBOR
BAY CITY
FLINT
PORT HURON

NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

At their regular meeting on May 9, 2022, the Judges of the United States District Court for the Eastern District of Michigan approved for publication and comment 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

In order to be assured consideration, comments in writing, which may include recommended changes to the proposed amendments, should be received by the Court not later than June 24, 2022. Comments may be sent to Local_Rules@mied.uscourts.gov or to Local Rules, 539 Theodore Levin United States Courthouse, 231 W. Lafayette Boulevard, Detroit, Michigan 48226.

[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, the movant must make all reasonable and timely efforts to speak personally or to meet with opposing counsel or the opposing unrepresented party to ascertain whether the contemplated motion, or request under Federal Rule of Civil Procedure 6(b)(1)(A), will be opposed. 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 filing a written stipulation or submit a proposed stipulated order through document utilities. If the parties seek entry of an order, the stipulation must so state.

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

(A) there was a conference or meeting 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~~ the opposing party refused to ~~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 this motion has not been sought because of the emergent nature of the relief requested in the motion; or

(~~E~~D) concurrence in this 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.

(b) – (h) [unchanged]

(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) still applies.

LR 7.1(a) requires an in-person, video, or telephone conversation ~~contact~~ with other parties and other persons entitled to be heard on the motion to seek concurrence in the relief requested. An email exchange generally will not suffice. The communication also must be timely. A conversation that occurs on the same day the motion is filed generally will not be sufficient. If no conference is conducted, the movant must describe in detail the efforts made to confer with the opponent under LR 7.1(a)(2)(B). The court retains the inherent authority to alter the briefing schedule.

Attempts to circumvent the LR in any way may be considered an abusive practice which may result in the motion or response being stricken as well as sanctions being imposed under LR 11.1.

The following ~~LR's~~ local rules also apply to specific types of motions:

- 1) LR 15.1, Form of a Motion to Amend and Its Supporting Documentation
- 2) LR 37.1, Motion to Compel Discovery
- 3) LR 37.2, Form of Discovery Motions
- 4) LR 54.2, Social Security Fee Motions
- 5) LR 59.1, Motion to Alter or Amend a Judgment
- 6) LR 65.1, Motions for Temporary Restraining Orders and for Preliminary Injunctions
- 7) LR 83.50, Bankruptcy Cases and Proceedings

Stylistic amendments to the Federal Rules of Civil Procedure took effect on December 1, 2007. Pursuant to those amendments, the reference to Fed. R. Civ. P 6(b)(1) in LR 7.1(a)(1) was changed to Fed. R. Civ. P. 6(b)(1)(A). (6/2/08)

The movant must not include a “notice of hearing” unless the judge so directs.

Good practice requires a moving party to state clearly the relief requested in the motion, especially where declaratory or injunctive relief is sought. A moving party may submit through document utilities a proposed order describing the relief sought. See Electronic Filing Policies and Procedures R ~~44~~ 12(a). Proposed orders must not be filed on the case docket.

LR 83.11 Assignment and Reassignment of Civil Cases to Judges

(b) Reassignment of Civil Cases.

(1) – (5) [unchanged]

(6) Motions for relief filed under 28 U.S.C. § 2255 shall be assigned to the Judge who imposed sentence on the defendant. If the sentencing judge (1) has retired from the court, or (2) is a senior judge no longer receiving any cases, 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 matter will be reassigned by random method under subsection (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) [unchanged]

(8) Matters arising from a civil, special civil (as defined in (a)(1)), or miscellaneous case assigned to (1) a judge who has retired from the court, or (2) a senior judge no longer 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 subsection (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 has retired from the court, or (2) a senior judge no longer receiving criminal 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 subsection (a).~~ However, if 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.

May 11, 2022