



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

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NOTICE OF PROPOSED 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 for publication and comment amendments to LR 5.2, Enjoined Filers, LR 37.2, Form of Discovery Motions, and LR 83.11, Assignment and Reassignment of Civil Cases to Judges.

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 January 2, 2023. 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 5.2 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).

LR 37.2 Form and Timeliness of Discovery Motions

(a) Any discovery motion filed Fed. R. Civ. P. 26 through 37, shall include, in the motion itself or in an attached memorandum, a verbatim recitation of each interrogatory, request, answer, response, and objection which is the subject of the motion or a copy of the actual discovery document which is the subject of the motion.

(b) Parties must raise objections timely to both discovery requests and the sufficiency of discovery responses. A motion to compel or other motion in aid of discovery is deemed forfeited if it is not filed within 30 days after the discovery response is due or the discovery response is received unless such failure to file a motion was caused by excusable neglect or by some action of the non-moving party. A discovery response includes any assertion of privilege, whether or not stated in the form of privilege.

(c) If no response is filed timely, the court may deem the failure as a forfeiture of opposition to the motion and may consider that forfeiture of opposition as an independent basis to grant the motion.

LR 83.11 Assignment and Reassignment of Civil Cases to Judges

(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.

November 17, 2022