

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHEN ANJORIN,

Plaintiff,

Case No. 4:17-cv-11659

Magistrate Judge Anthony P. Patti

v.

CITY OF DETROIT,
JAMES CRAIG,
BOULEVARD & TRUMBULL,
CHARLES LYNEM and
JAVION & SAM TOWING, INC.,

Defendants.

**ORDER GRANTING DEFENDANTS CITY OF DETROIT, CRAIG AND
LYNEM'S MOTION FOR SUMMARY JUDGMENT (DE 25) and
DISMISSING PLAINTIFF'S CLAIMS AGAINST RECENTLY ADDED
DEFENDANT JAVION & SAM TOWING, INC.**

Plaintiff filed this lawsuit *in pro per* on May 24, 2017 against Defendants City of Detroit, Police Officer Charles Lynem, Chief of Police James Craig (hereinafter, collectively, the "City of Detroit Defendants"), and Boulevard & Trumbull ("B & T," allegedly the towing company). (DE 1.) With the Court's permission, Plaintiff has since amended his complaint by substituting Defendant Boulevard & Trumbull with Defendant Javon & Sam Towing, Inc. (DEs 31, 37.)

This case is before me by the consent of the parties. (DEs 20 & 21.) Currently under the Court's consideration is the City of Detroit Defendants' January 31, 2018 amended motion for summary judgment (DE 25), regarding

which Plaintiff filed a response (DE 33) and the City of Detroit Defendants filed a reply. (DE 35.)

On March 23, 2018, the parties appeared in my courtroom.¹ Plaintiff Anjorin appeared on his own behalf, while Attorney Robin J. Brooks appeared on behalf of the City of Detroit Defendants and Attorney Nicholas J. Bachand appeared on behalf of dismissed Defendant Boulevard & Trumbull (as well as the apparently unserved Defendant Javion & Sam Towing, Inc.). After entertaining oral argument from the parties and/or their counsel, the Court made multiple factual findings and rulings and offered supportive reasoning from the bench, all of which is incorporated here by reference as though fully restated herein.

For the reasons stated on the record: **(a)** The City of Detroit Defendants' January 31, 2018 amended motion for summary judgment (DE 25), which was decided with reference to the subsequently-filed March 13, 2018 amended complaint (DE 31), is **GRANTED**; **(b)** Plaintiff's March 13, 2018 claims against the yet to be served Defendant Javion & Sam Towing, Inc. are **DISMISSED** (*see* Fed. Rules Civ. P. 12(b)(1),(b)(6),(h)(3); Mich. Comp. Laws § 257.252(e); 28 U.S.C. §1915(e)(2); *In re Prison Litigation Reform Act*, 105 F.3d 1131, 1134

¹ A motion hearing was noticed for May 23, 2018 (DE 28); however, the copy of this notice mailed to Plaintiff was returned to the Court. (DE 32.) Nonetheless, two other notices setting motion hearings for the same date (DEs 29, 36) do not appear to have been returned to the Court. Given these notices, and Plaintiff's appearance on May 23, 2018, the return of the Court's notice issued on February 23, 2018 is of no import here.

(1997) (screening of cases under §1915(e)(2) not restricted to prisoner cases); *Ongori v. Hawkins*, No. 16-2781, 2017 WL 6759020, at *1 (6th Cir. Nov. 15, 2017) (“[W]e have held that non-prisoners proceeding in forma pauperis are still subject to the screening requirements of § 1915(e).”)); and, (c) Plaintiff’s March 13, 2018 amended complaint (DE 31) – the operative pleading – is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Dated: May 24, 2018

s/ *Anthony P. Patti*

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on May 24, 2018, electronically and/or by U.S. Mail.

s/ Michael Williams

Case Manager for the
Honorable Anthony P. Patti