

EASTERN DISTRICT OF MICHIGAN PRO BONO OPPORTUNITIES

10/23/2020	Judge Tarnow	18-cv-12729	Thomas Ison v. David Kline, et al	Civil Rights
<p>Plaintiff, Thomas D. Ison, brought claims under 42 U.S.C. § 1983 against the City of Detroit and several Detroit Police Department officers (“DPD”), following a 2016 incident in which Mr. Ison was allegedly subject to excessive force and unlawful detention, in violation of the Fourth Amendment. Specifically, Mr. Ison alleges that he was walking down a residential street drinking an Arizona Tea when a DPD officer charged him and knocked him over for no apparent reason before running into a nearby house. Another officer then allegedly handcuffed Mr. Ison to a fence.</p> <p>On May 23, 2019, the Court granted Defendants’ Motion to Dismiss [15] Mr. Ison’s claims against the City of Detroit for failure to plead specific facts giving rise to municipal liability. On October 15, 2020, Mr. Ison filed a Corrected Second Amended Complaint. His current claims are against two DPD officers in their individual capacities, however, there are also pending motions to dismiss and add parties. Some discovery has already taken place, including interrogatories and depositions, however, the Court has cancelled all deadlines pending appointment of counsel per its Order [61] of October 28, 2020.</p>				

10/23/2020 Magistrate Judge Patti 19-cv-10584 Jamel Robinson v. Hanna Saad, et al Prisoner Civil Rights

Plaintiff Jamel Leon Robinson, a state inmate proceeding without the assistance of counsel, filed this action on February 26, 2019. the Court dismissed all but two of Plaintiff's claims and eleven Defendants. The two remaining claims involve allegations of involuntary medical treatment and racial discrimination.

On June 26, 2020, a report and recommendation was issued recommending that the Court grant the motion for summary filed by Defendants Hanna Saad, M.D., Aleksandra Wilanowski, M.D., Laurie Fry, N.P., Mary Closser, D.O., and Craig Hutchinson, M.D. (collectively the "medical Defendants"), and the motion for partial summary judgment filed by Defendants Derek Rosen, Michael Bennett, and Shelley Rambus (collectively the "MDOC Defendants"), and ordering that discovery be stayed as to each of the medical and MDOC Defendants with the exception of Defendant Rambus, pending the Court's ultimate decision regarding the report and recommendation. The Court accepted and adopted the report and recommendation on July 24, 2020, granting summary judgment of the remaining claims against the medical Defendants and the MDOC Defendants, excluding the claim against Defendant Rambus in her individual capacity. However, Plaintiff's objections have since been docketed and are currently pending before the Court, and he has filed notices of appeal. no waivers of service have been returned, nor appearances filed, for two of the remaining named Defendants – Jill Lawrence and Jennifer LNU.

Also pending before the Court is Defendant Richard Baisch's July 2, 2020 amended motion to dismiss and/or for summary judgment based in part on exhaustion.

10/05/2020	Chief Judge Hood	17-cv-11249	Nathaniel Tesley v. D. Martin, et al	Prisoner Civil Rights
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On April 19, 2017, pro se Plaintiff Nathaniel Tesley ("Tesley"). There is one remaining claim for First Amendment retaliation against Defendant Dave Martin ("Martin"). Tesley is currently an inmate of the MDOC, and the events at issue took place in September 2016, when Tesley was housed at the Gus Harrison Correctional Facility ("ARF") in Adrian, Michigan. Martin was employed as a Resident Unit Manager ("RUM") at the ARF.

On September 5, 2016, Tesley reported for his job assignment at 1230 hours, but was told by his immediate supervisor, Corrections Officer Howard, he was not needed. The same day, Corrections Officer Cook issued Tesley an "out of place" misconduct, believing Tesley was absent from his job assignment without staff authorization. On September 6, 2016, Tesley's "out of place" misconduct was reviewed by MDOC Sergeant Michaels. The next day, Tesley filed two grievances – one against Cook, alleging that he did not have the authority to require Tesley to report to work at 1400 hours, and one against Michaels, asserting that he failed to protect Tesley from Cook's "arbitrary actions" in issuing the misconduct.

On September 13, 2016, Martin initiated a hearing on Tesley's "out of place" misconduct. That hearing was adjourned so that Martin could speak with Corrections Officer Howard to determine if he had, in fact, told Tesley he did not need to report to his job assignment. According to Tesley, Martin told him: "If he [Howard] says he laid you in you're good." According to Martin, he reconvened the misconduct hearing on September 17, 2016, found Tesley guilty of the "out of place" misconduct at that time, and sanctioned Tesley with four days of top lock (a more restrictive confinement than general population). Martin claims he signed a report on September 17, 2016, and then passed along to Hearing Investigator Edmond, who signed it on September 22, 2016.

Tesley disputes that Martin reconvened the misconduct hearing on September 17, 2016, a Saturday, when RUMs such as Martin typically do not work weekends. Tesley states that, on September 21, 2016, Martin "came to [his] housing unit for the purpose of reviewing with him" the grievances he had filed against Cook and Michaels. Martin told Tesley that, if he would "make a deal" (i.e., rescind his grievances against Cook and Michaels), Martin would ensure a favorable outcome at the misconduct hearing. When Tesley refused Martin's deal, Martin threatened to give him 30 days of top lock as a sanction for his misconduct. Martin denies that the September 21st meeting with Tesley occurred.

9/18/2020	Judge Michelson	19-cv-13752	Jeffrey Strasser v. H.J. Corbin	Personal Injury
<p>H.J. Corbin is a 71-year-old African-American retired police officer who was working for the Wayne County Circuit Court (WCCC) effectuating service of process. He went to serve papers on the plaintiff, Jeffrey Strasser. Corbin claims that Strasser's dog attacked him. Strasser claims the dog was just chasing a squirrel was not dangerous. Corbin fired his service weapon; the parties dispute whether he fired one shot or two. Strasser alleges that he was struck in the neck and his dog was struck in the paw. He filed suit against Corbin, the Wayne County Circuit Court, and Wayne County, alleging excessive use of force under 42 U.S.C. § 1983, with an additional claim against Corbin of negligence or gross negligence. (ECF No. 1.) Strasser subsequently amended his complaint to remove Wayne County. (ECF No. 13.) Two months later, Strasser and the Wayne County Circuit Court stipulated to dismiss the WCCC from the action. (ECF No. 24.)</p> <p>Mr. Corbin is the only remaining defendant. Wayne County and the WCCC are not indemnifying him. He is unable to afford counsel.</p> <p>On September 18, 2020, the district court stayed the case for thirty days while the court attempts to obtain counsel for Mr. Corbin. This case is likely to involve complex evidentiary disputes, including ballistics, which would be especially challenging for a pro se litigant.</p>				

10/05/2020	Magistrate Judge Morris	19-cv-10480	Andrew Lyles v. Keith Papendick, et al	Prisoner Civil Rights
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Plaintiff filed a complaint alleging 42 U.S.C. § 1983 violations. Plaintiff is currently committed to the Michigan Department of Corrections. He alleges that he suffered from severe ulcerative colitis, and that from October 2016 to August 2017, his disease became progressively worse. And further, he claims that Defendants provided insufficient treatments and improperly reported his conditions. Consequently, Plaintiff claims he was hospitalized and nearly lost his colon and life. Plaintiff states after he was hospitalized, his weight was reduced to 124 pounds at his 6' 4" height. Plaintiff claims his condition leads to possible high-risk conditions for him in the future. Plaintiff, generally, claims Defendants committed 8th Amendment violations by acts of deliberate indifference or failure to treat.

The case was originally placed in the pro se prisoner early mediation program, and following the event of no settlement, the case proceeded. A number of Defendants have been dismissed from the case, either by screening or by summary judgment for failure to exhaust administrative remedies. Currently, seven defendants remain, who are the doctors or nurses in this case.