

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Gregory Ford, Hope Ford, and
Veronica Ford,

Plaintiffs,

v.

Case No. 08-10831

Honorable Sean F. Cox

Sentry Insurance, a Mutual
Company,

Defendant.

ORDER DENYING
PLAINTIFFS' MOTION TO REOPEN CASE

Plaintiffs filed this action in state court on or about February 7, 2008. Defendant removed the action to this Court on February 28, 2008.

On March 21, 2008, Plaintiffs' counsel filed a motion to withdraw. On April 16, 2008, this Court granted the motion to withdraw and ordered that Plaintiffs had thirty (30) days to either obtain new counsel or notify the Court that they are proceeding in pro per. (Docket Entry No. 10). On May 15, 2008, Plaintiffs filed a motion requesting another thirty (30) days to obtain new counsel. (Docket Entry No. 11).

In an Order dated May 21, 2008, this Court granted Plaintiffs' request, ordering as follows:

IT IS HEREBY ORDERED that the request is GRANTED. Plaintiffs Gregory Ford, Hope Ford and Veronica Ford have thirty (30) days from the date of this order to obtain new counsel. If Plaintiffs do not obtain counsel within thirty days, they must file Notice that they are proceeding in pro per. The notice shall provide the Court with current contact information, including an address and telephone number.

IT IS SO ORDERED.

(5/21/08 Order).

Plaintiffs did not obtain new counsel within the extended time period for doing so. In addition, Plaintiffs did not comply with the terms of the May 21, 2008 order in that they did not: 1) notify the Court that they intended to proceed in pro per; or 2) provide the Court with their current contact information, including address and telephone number.

On June 26, 2008, Defendant filed a “Motion to Dismiss for Failure to Comply with Court Order and Failure to Prosecute” (Docket Entry No. 13).

Pursuant to Rule 7.1(b) of the Local Rules for the United States District Court for the Eastern District of Michigan, a “respondent opposing a motion must file a response, including a brief and supporting documents then available.” Rule 7.1(d) further provides that a response to a dispositive motion must be filed within 21 days after service of the motion.

Thus, if Plaintiffs opposed Defendant’s pending Motion, Plaintiffs were required to file a brief in opposition to same within 21 days of service of the motion. Although the time permitted under Local Rule 7.1 for filing a response to the pending motion passed, no response brief in opposition to the pending motion was filed by Plaintiffs.

On August 18, 2008, this Court issued an Order to Show Cause that ordered Plaintiffs to show cause, in writing, no later than August 28, 2008, why the unopposed pending Motion to Dismiss based upon failure to prosecute should not be granted. (Docket Entry No. 14). In that Order, this Court expressly cautioned Plaintiffs that failure to timely respond to the Show Cause Order shall result in the dismissal of this action for failure to prosecute. (*Id.*).

Nevertheless, Plaintiffs failed to respond to either the pending motion or this Court’s

Show Cause Order. Accordingly, in an Order dated September 2, 2008, this Court dismissed this action for failure to prosecute. (Docket Entry No. 15).

Approximately two weeks after this action was dismissed, Plaintiffs sent a *pro se* letter to the Court asking the Court “not to dismiss our case,” which the Court construes as a motion seeking to reopen this case. (Docket Entry No. 16).

“[W]hile *pro se* litigants may be entitled to some latitude when dealing with sophisticated legal issues, acknowledging their lack of formal training, there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend as easily as a lawyer.” *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991); *see also McNeil v. United States*, 508 U.S. 106 (1993)(wherein the Supreme Court commented that “we have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel.”).

Having reviewed Plaintiffs’ submission, the Court concludes that Plaintiffs’ submission does not provide any explanation for Plaintiffs’ failure to comply with this Court’s May 21, 2008 order, nor does it establish good cause for their failure to respond to Defendant’s Motion to Dismiss or this Court’s Show Cause Order.

Accordingly, **IT IS ORDERED** that Plaintiffs’ Motion to Reopen Case is **DENIED**.

IT IS SO ORDERED.

S/Sean F. Cox _____
Sean F. Cox
United States District Judge

Dated: September 25, 2008

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Sentry Insurance, a Mutual
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PROOF OF SERVICE

I hereby certify that on September 25, 2008, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

Gregory, Hope and Veronica Ford
6401 Cecil Drive
Flint, MI 48505

S/ Jennifer Hernandez
Case Manager