

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Cary Cosgrove v. Rasco, et al.

Case No. 25-11159 · No. 25-11159 · Decided March 3, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan denies Cary Cosgrove’s motion seeking to require jail staff to sign logs for all incoming and outgoing mail. The court concludes that the motion is based on allegations already presented in the complaint, cites no supporting authority, and does not identify a clear procedural mechanism for the requested relief. The order states that the underlying issues will be litigated in due course.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Curtis Ivy, Jr.
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	March 3, 2026
DOCKET	25-11159
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an order requiring defendants to sign a mail log for every piece of incoming or outgoing mail received on his behalf. The motion was referred to a magistrate judge for all pretrial matters and was denied.
STANDARD OF REVIEW	The order states that objections to the magistrate judge's ruling on the nondispositive motion may be filed under Federal Rule of Civil Procedure 72(a) and Eastern District of Michigan Local Rule 72.1(d); no separate merits standard of review was applied.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Cary Cosgrove v. Rasco, et al.

TOPICS

prisoners rights

civil procedure

pleadings

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether plaintiff's Motion for Order should be granted when it cited no legal authority, did not identify a clear procedural mechanism for the requested relief, and substantially repeated allegations already presented in the complaint.

HOLDINGS

1. The motion was denied because plaintiff cited no authority supporting the requested mail-log requirement, failed to identify a clear procedural mechanism for obtaining the relief, and raised issues that would be litigated through the complaint.

KEY QUOTATIONS

“Even in pleadings drafted by pro se parties, “‘courts should not have to guess at the nature of the claim asserted.’”” (Order at PageID.29)

“As the bases for bringing the motion are the same as the bases alleged in his Complaint, the issues raised in this motion will be litigated in due course.” (Order at PageID.29)

FACTUAL BACKGROUND

Plaintiff, a detainee or prisoner, alleged that jail staff denied him pencils, paper, envelopes, and standardized legal forms; opened mail outside his presence; caused mail delays; and denied copies of his medical records. In the motion, he requested that defendants be required to sign a mail log for every incoming or outgoing piece of mail received on his behalf.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights complaint alleging restrictions on writing materials, interference with mail, delays in receiving mail, denial of standardized legal forms, and denial of medical-record copies. He then filed the present Motion for Order, which repeated or overlapped with the bases of the complaint. The magistrate judge denied the motion because plaintiff cited no supporting authority and did not identify a clear procedural mechanism for obtaining the requested relief apart from the relief sought in the complaint.

DISPOSITION

other

CASES CITED

- *Frengler v. Gen. Motors*, 482 F. App'x 975, 976–77 (6th Cir. 2012)

- Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989)
- Rogers v. Detroit Police Dep't, 595 F. Supp. 2d 757, 766 (E.D. Mich. 2009)

OPINION

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION CARY COSGROVE, Case No. 25-11159 Plaintiff, Mark A. Goldsmith v.
United States District Judge RASCO, et al., Curtis Ivy, Jr. United States Magistrate Judge
Defendants. _____/ ORDER ON PLAINTIFF'S MOTION FOR
ORDER (ECF No. 7) Pending before the Court is Plaintiff's Motion for Order (ECF No. 7).

This matter was referred to the undersigned for all pretrial matters. (ECF No. 10). In the motion, Plaintiff claims that because of jail staff's actions, he experiences delays and uncertainty with mail and asserts that the jail is not providing an adequate supply of paper to draft his legal documents. (Id. at PageID.29). Plaintiff requests Defendants be required to sign a mail log for every piece of incoming or outgoing mail they receive on his behalf.

(Id. at PageID.28–30). It is apparent that Plaintiff's motion is premised on the same bases as his Complaint. Plaintiff's Complaint alleges that jail staff denies required pencils, paper, and envelopes; his mail has been opened outside of his presence; that he experiences delays with his mail; he is not being provided with requested standardized legal forms; and he is being denied copies of his medical records.

(ECF No. 1, PageID.5–6). To start, Plaintiff cites no authority in support of his motion, and it is unclear under what mechanism he brings this motion. Even in pleadings drafted by pro se parties, “courts should not have to guess at the nature of the claim asserted.” *Frengler v. Gen. Motors*, 482 F. App'x 975, 976–77 (6th Cir. 2012) (quoting *Wells v. Brown*, 891 F.2d 591, 594 (6th Cir.

1989)); *Rogers v. Detroit Police Dep't*, 595 F. Supp. 2d 757, 766 (E.D. Mich. 2009) (holding that courts cannot “construct the [p]laintiff's legal arguments for him. Neither may the Court ‘conjure up unpled allegations[.]’”).

As the bases for bringing the motion are the same as the bases alleged in his Complaint, the issues raised in this motion will be litigated in due course. Further, as Plaintiff's motion cites no authority for this request, and given the uncertainty of how Plaintiff intends obtain the relief or the proper mechanism to do so, other than that already requested in the complaint, the motion is denied.

Accordingly, it is ORDERED that Plaintiff's Motion for Order (ECF No. 7) is DENIED. IT IS SO ORDERED. The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made.

Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2. Date: March 3, 2026 s/Curtis Ivy, Jr. Curtis Ivy, Jr. United States Magistrate Judge CERTIFICATE OF SERVICE I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 3, 2026, by electronic means and/or ordinary mail. s/Sara Krause Case Manager (810) 341-7850