

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

Jason Flakes v. Lisa Reed, David Horvath, Jeremy Bugbee, Kathleen
Parsons, Darrel(L) Barrows, Kyle Russell, Stephanie Adams, Tracy
Grossett, Robert Cooper, Amie Ramirez, and Dujuana Vandecasteele

Flakes · No. 2:24-cv-10475 · Decided January 29, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan denies Defendant Darrel(l) Barrows’ motion seeking enforcement of a response deadline, summary judgment, or dismissal for failure to prosecute. The court explains that an unopposed motion for summary judgment cannot be granted automatically and requires review of the movant’s showing. The court orders Plaintiff Jason Flakes to show cause by February 13, 2026, why his claims against Barrows should not be dismissed under Federal Rule of Civil Procedure 41(b) and the court’s Local Rule 41.2, and to propose an extended response deadline.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Anthony P. Patti
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	January 29, 2026
DOCKET	2:24-cv-10475
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff did not respond to Defendant Barrows's exhaustion-based motion for summary judgment or the Court's order requiring a response. Barrows moved to enforce the response order, have the summary-judgment motion treated as uncontested and granted, and dismiss the claims for failure to prosecute. The magistrate judge denied that motion and ordered Plaintiff to show cause why the claims against Barrows should not be dismissed under Federal Rule of Civil Procedure 41(b) and the Eastern District of Michigan local rules.
STANDARD OF REVIEW	A court may not grant summary judgment solely because the opposing party failed to respond; it must independently examine the motion to

determine whether the movant has discharged the summary-judgment burden. Dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b) and E.D. Mich. LR 41.2 requires reasonable notice and an opportunity to show good cause.

PRECEDENTIAL VALUE

nonprecedential

TOPICS

summary judgment

civil procedure

motions to dismiss

default

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether the court could grant Defendant Barrows's motion for summary judgment merely because Plaintiff failed to respond.
2. Whether Defendant Barrows's motion to enforce the response order and dismiss Plaintiff's claims for failure to prosecute should be granted.
3. Whether Plaintiff should be given notice and an opportunity to show cause before dismissal under Federal Rule of Civil Procedure 41(b) and E.D. Mich. LR 41.2.

HOLDINGS

1. A district court cannot grant summary judgment for the movant simply because the adverse party has not responded; the court must at least examine the motion to determine whether the movant has carried the summary-judgment burden.
2. The court would not immediately dismiss Plaintiff's claims against Barrows for failure to prosecute; instead, it required Plaintiff to show cause and warned that failure to comply would result in a report and recommendation for dismissal.

KEY QUOTATIONS

"a district court cannot grant summary judgment in favor of a movant simply because the adverse party has not responded." (at 2)

"The court is required, at a minimum, to examine the movant's motion for summary judgment to ensure that he has discharged that burden." (at 2)

"Failure to comply with this Order shall result in a Report and Recommendation that the Court dismiss Plaintiff's claims against Defendant Barrows pursuant to Fed. R. Civ. P. 41(b) and E.D. Mich. LR 41.2" (at 5)

FACTUAL BACKGROUND

Jason Flakes filed a prisoner civil-rights action while housed at the St. Louis Correctional Facility and later reported a move to the Oaks Correctional Facility. Defendant Barrows moved for summary judgment based on exhaustion, but Flakes did not respond by the court-ordered deadline. Flakes was paroled on January 6, 2026 and apparently did not update his address, leaving the court concerned that filings were being sent to an outdated correctional-facility address.

PROCEDURAL HISTORY

Plaintiff filed this prisoner civil-rights action in February 2024. Defendant Barrows filed a motion for summary judgment based on exhaustion on December 17, 2025; Plaintiff's response was due January 16, 2026, but none was filed. After Plaintiff was paroled and apparently failed to update his address, Barrows filed a motion to enforce the response order and seek dismissal. The court denied that motion, required Plaintiff to show cause by February 13, 2026, and warned that noncompliance would result in a report and recommendation to dismiss the claims against Barrows.

DISPOSITION

other

CASES CITED

- Carver v. Bunch, 946 F.2d 451, 455 (6th Cir. 1991)