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10/13/22 ts

SSM Chippewa Tribal Court

SAULT STE. MARIE CHIPPEWA TRIBAL COURT

SAULT TRIBE OF CHIPPEWA INDIANS
HOUSING AUTHORITY,

Plaintiff,

-v-

Case No. LT-2022-65

COURTNEY PECK,

Defendant.

On October 11, 2022
Hon. Jocelyn K. Fabry

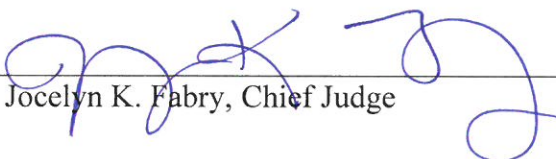
ORDER GRANTING MOTION TO DISMISS

This matter is before the Court on Defendant's Motion to Dismiss. The Court has reviewed the motion, supporting brief, and reply, and heard oral arguments. The Court **FINDS** that Plaintiff has failed to properly plead the requested relief, to wit: an order for eviction. Plaintiff's Complaint, as Defendant argues, is seeking a money judgment, a nonpossessory action.

As Plaintiff argued on the record that the Defendant alone or by and through her counsel *should have known* what Plaintiff was seeking, and that this was just a missed *check box or clerical error*. The requirement of FRCP 8(a)(3) requiring Plaintiff's pleading contain a prayer for relief, is quite contrary to Plaintiff's argument. In that event, Plaintiff could have filed an amended complaint.


THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion to Dismiss is **GRANTED** and Plaintiff's Complaint is **DISMISSED**.

Date: 10/13/22


Hon. Jocelyn K. Fabry, Chief Judge

Certificate of Mailing

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Court Clerk/Administrator