

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FILED '19 JAN 15 PM2:15
US BANKRUPTCY MIE-DET

-----	}	Bankruptcy Case No. 13-53846
In re:	}	
City of Detroit, Michigan,	}	Judge Thomas J. Tucker
Debtor.	}	Chapter 9

**CLAIMANT'S NATHANIEL BRENT'S RESPONSE AND
OPPOSITION TO:
DEBTOR'S SIXTY-THIRD OMNIBUS OBJECTION TO CERTAIN
CLAIMS**

Debtor's objection to Nathaniel Brent's claim (claim number 3774) is premature as there is still pending litigation in which the Debtor is a party. Although Debtor's objection was filed after the Sixth Circuit entered an order denying Mr. Brent's motion for rehearing (Exh 1), Debtor filed its objection before the time to petition the U.S. Supreme Court had expired. Mr. Brent has petitioned the Supreme Court and the petition and filing fee were mailed to the U.S. Supreme Court on January 7, 2019 (Exh 2). Thus, pursuant to Supreme Court Rule 29(2) and 13(1) the petition is timely. Therefore currently there still remains pending litigation between the parties that affects the claim that has not been resolved in favor of the city.

Specifically relevant to Mr. Brent's claims against Debtor the Petition asks the Court to determine if the "warrant" executed by the Detroit Police Department was facial deficient were it specifically stated it was issued upon "reasonable grounds" instead of the "probable cause" standard required in the text of the Fourth Amendment. If the Court answers this question in the affirmative, then not only will Mr. Brent's Fourth Amendment claims against the individual



officers be reinstated, so too will his *Monell* claims against the Debtor for their failure to train and supervise their officers, and allowing the practice of executing these facially unconstitutional warrants.

Since the Sixth Circuit opinion (*Brent v. Wayne County Dept. Of Human Services* 901 F. 3d 656 (2018)) is a published binding precedent there exists a greater than normal likelihood the Supreme Court will grant the petition to correct the defect that is contradictory to the plain and simple text of the Fourth Amendment.

Wherefore and for the above stated reasons Nathaniel Brent requests this Court to deny the relief Debtor seeks in regards to claim number 3774 without prejudice until such time as all litigation regarding this claim is final.

Respectfully submitted

Dated: January 15, 2019



Nathaniel H. Brent in - pro per
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EXHIBIT

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Nos. 17-1428/1811

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Oct 11, 20
DEBORAH S. HU

17-1428

NATHANIEL BRENT; ROBERT BRENT,

Plaintiffs-Appellees,

v.

WAYNE COUNTY DEPARTMENT OF HUMAN SERVICES ET AL.,

Defendants,

MIA WENK; SHEVONNE TRICE; HEATHER DECORMIER-
MCFARLAND; MONICIA SAMPSON; CHARLOTTE MCGEHEE;
JOYCE LAMAR

Defendants-Appellants,

17-1811

NATHANIEL BRENT; ROBERT BRENT,

Plaintiffs-Appellants,

WAYNE COUNTY DEPARTMENT OF HUMAN SERVICES; MIA WENK;
SHEVONNE TRICE; HEATHER DECORMIER-MCFARLAND; MONICIA
SAMPSON; CHARLOTTE MCGEHEE; JOYCE LAMAR; EMINA BIOGRADLIJA;
MICHAEL BRIDSON; DETROIT POLICE DEPARTMENT; TWO UNKNOWN
DETROIT POLICE OFFICERS; METHODIST CHILDREN'S HOME SOCIETY; THE
CHILDREN'S CENTER; LESLIE SMITH,

Defendants-Appellees.

BEFORE: MOORE, THAPAR, and NALBANDIAN, Circuit Judges.

The court received a petition for rehearing en banc. The original panel has reviewed the petition for rehearing and concluded that the issues raised in the petition were fully considered upon the original submission and decision of the cases. The petition was circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc.

Therefore, the petition is denied.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

EXHIBIT

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January 11, 2019 at 10:41 am
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January 11, 2019, 10:41 am

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WASHINGTON, DC 20543

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January 11, 2019, 10:28 am

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WASHINGTON, DC 20543

January 11, 2019, 9:43 am

Arrived at Post Office

WASHINGTON, DC 20018

January 11, 2019, 5:34 am

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January 10, 2019

In Transit to Next Facility

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Arrived at USPS Regional Origin Facility

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Feedback

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City of Detroit, Michigan,	}	Judge Thomas J. Tucker
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CERTIFICATE OF SERVICE

I Sherrie Brent certify that I served: **CLAIMANT'S NATHANIEL BRENT'S
RESPONSE AND OPPOSITION TO: DEBTOR'S SIXTY-THIRD
OMNIBUS OBJECTION TO CERTAIN CLAIMS** by mailing via U.S. Mail on
January 15, 2019 upon the following:

Marc N. Swanson
Miller, Canfield, Paddock and Stone, PLC
150 West Jefferson, Suite 2500
Detroit, MI 48226



Sherrie Brent

Dated January 15, 2019