Court of Appeals, State of Michigan

ORDER

IN RE MARTIN

Docket No. 381561

LC No. 26-003552-01-AR

Andrew J. Lievense
Presiding Judge

Philip P. Mariani

Mariam S. Bazzi
Judges

The motion for immediate consideration is GRANTED.

The motion for leave to file a reply brief in support of the complaint is GRANTED, and the reply brief is accepted.

The complaint for superintending control is DENIED. Plaintiff seeks an order compelling the circuit court Judge to adjudicate his motion "to continue stay pending appeal." This motion seeks to continue a stay previously ordered in a prior lower court case number but which has since been vacated upon dismissal of that case. The motion is thus a motion for stay pending appeal, filed in the present lower court case number, and subject to the requirements of MCR 7.108. Plaintiff is not entitled to writ of superintending control for two reasons. First, he has not noticed his motion for a hearing in the circuit court. Second, plaintiff has not satisfied MCR 7.108, which requires plaintiff to provide both a copy of an order of the district court denying a request for a stay pending appeal and the transcript of any hearing held regarding a request for a stay. Nor has plaintiff requested that either of these requirements be waived. Cf. *People v Bullard*, 34 NW3d 279 (Mich, 2026) (vacating an order of this Court granting a stay because, while the prosecutor had filed a motion to waive requirements of MCR 7.209(A), which this Court granted, the motion only requested waiver of the transcript production requirement and not the separate order requirement, which was not otherwise satisfied by the prosecutor). Accordingly, plaintiff is not entitled to the extraordinary remedy of a writ of superintending control. *Shepherd Montessori Center Milan v Ann Arbor Charter Twp*, 259 Mich App 315, 347; 675 NW2d 271 (2003).

Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

August 7, 2026
Date

Chief Clerk