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STATE OF MICHIGAN

COURT OF APPEALS

ADAM ALHARBI,

Plaintiff-Appellant,

v

MUBITH MAHMOOD, CITY OF HAMTRAMCK, CITY OF HAMTRAMCK CLERK, and WAYNE COUNTY BOARD OF CANVASSERS,

Defendants-Appellees.

UNPUBLISHED
September 04, 2026
8:44 AM

No. 379041
Wayne Circuit Court
LC No. 25-017768-CZ

Before: M. J. KELLY, P.J., and O'BRIEN and LIEVENSE, JJ.

PER CURIAM.

Plaintiff, Adam Alharbi, appeals as of right the trial court's December 29, 2025 order denying his motions to proceed quo warranto and for injunctive relief. We dismiss this appeal for lack of jurisdiction.

I. BACKGROUND

This case arises from the highly contested and extremely close November 2025 mayoral election in the city of Hamtramck between plaintiff and defendant, Mubith Mahmood. In anticipation of that election, defendant filed an affidavit of candidacy with the Hamtramck City Clerk on April 7, 2025. In that affidavit, he asserted that he had been a resident of Hamtramck for at least a year, thereby meeting the requirements established by the Hamtramck City Charter to hold the office of mayor. See Hamtramck City Charter, § 4-02.

After the November 2025 election, plaintiff was declared the winner. Nevertheless, shortly after the election,[1] plaintiff filed the instant action, raising three counts: quo warranto, declaratory

[1] Despite this election taking place in November 2025, the results are still in question. Plaintiff won by 11 votes, but after the election, 37 ballots were discovered that had never been counted. Defendant sought a writ of mandamus to have those ballots counted, and this Court granted that

judgment, and emergency injunctive relief. Along with that verified complaint, plaintiff filed two motions: (1) a motion for an emergency temporary restraining order (TRO) and preliminary injunction and (2) a motion for leave to proceed quo warranto. The relief sought by plaintiff in these filings was to have defendant deemed ineligible to hold the office of mayor because he did not satisfy the residency requirements described by the city charter.

A hearing was held on plaintiff's motions on November 17, 2025. Following argument, the trial court denied the request for injunctive relief and stated that it "would deny quo warranto without prejudice," allowing plaintiff to refile when he had more "information" that he was "expecting to get that would support [the] action."

What transpired afterward is not precisely clear, but by the trial court's telling, defendant submitted an order under the 7-day rule on November 24, 2025, and the trial court erroneously entered this order on November 25, 2025.[2] Plaintiff attempted to file objections to the proposed order on December 3, 2025.

On December 9, 2025, defendant sought to dismiss plaintiff's complaint by moving for summary disposition under MCR 2.116(C)(8).

On December 11, 2025, plaintiff moved for the trial court to either (1) set aside the court's earlier order as improperly entered,[3] (2) reconsider that order, or (3) consider plaintiff's current motion a renewed motion for leave to proceed quo warranto and grant the motion.

At a hearing on this motion, the parties and the trial court could not agree on precisely what had transpired that led to the trial court entering its prior order, but the court agreed that the order it entered on November 25, 2025 was improperly entered and should be set aside. But the court reasoned that plaintiff still failed to timely object to defendant's proposed order, so it permitted plaintiff to file a motion for reconsideration if he wished. Plaintiff stated that before for the court

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request. *Mahmood v City of Hamtramck*, unpublished per curiam opinion of the Court of Appeals, issued March 27, 2026 (Docket No. 378814). As of the date of this opinion, the 37 ballots have yet to be counted.

[2] This telling is not consistent with the lower court record. The lower court record contains only a proof of service filed on November 24, 2025, and the register of actions does not reflect any proposed order having been filed on that day. Rather, the register of actions shows that the order that the trial court entered on November 25, 2025, was not submitted to the trial court until November 26, 2025. This is confirmed by the markings on the proposed order, which show that it was received by the Wayne County Clerk's Office on November 26, 2025.

[3] Plaintiff's motion refers to the trial court's November 25, 2025 order as having been entered on December 5, 2025. Plaintiff purports to attach the "December 5, 2025 order" as "Exhibit E" to his motion, but Exhibit E is the trial court's November 25, 2025 order. There is no order in the lower court record dated December 5, 2025, and the register of actions does not show any order entered on that date.

was his motion for reconsideration, and the court responded, "Again, that's the Court's ruling. Thank you."

After this hearing, plaintiff refiled his motion for reconsideration, but this motion was prefaced with a note saying that the trial court had already agreed to set aside its November 25, 2025 order, and the motion was asking the trial court to reconsider its December 5, 2025 order.[4]

On December 29, 2025, the trial court issued an order on plaintiff's latest motion. The trial court in this order "decline[d] to reconsider its [prior] decision," and further ruled that the evidence submitted by plaintiff did "not lend sufficient credence to Plaintiff's claims to justify further inquiry by quo warranto proceedings." The court accordingly ordered "that Plaintiff's motions to proceed quo warranto and for injunctive relief are DENIED." This order ended by stating, "This resolves the last pending matter and closes the case."

Plaintiff then filed this appeal as one of right.

II. JURISDICTION

"The question of jurisdiction is always within the scope of this Court's review," and it is incumbent upon this Court to address it, even if the parties themselves "do not dispute jurisdiction." *Walsh v Taylor*, 263 Mich App 618, 621-622; 689 NW2d 506 (2004). "Whether a court has subject-matter jurisdiction is a question of law subject to review de novo." *Usitalo v Landon*, 299 Mich App 222, 228; 829 NW2d 359 (2012).

MCR 7.203(A) governs appeals of right and provides:

> The court has jurisdiction of an appeal of right filed by an aggrieved party from the following:
>
> (1) A final judgment or final order of the circuit court, or court of claims, as defined in MCR 7.202(6) . . . .

MCR 7.202(6)(a)(*i*), in turn, defines a "final judgment" or "final order" in a civil case, in pertinent part, as including:

> the first judgment or order that disposes of all the claims and adjudicates the rights and liability of all the parties, including such an order entered after reversal of an earlier final judgment or order[.]

The purported final order in this appeal is the December 29, 2025 order. That order states that the issue pending before the court was plaintiff's motion to set aside or reconsider a prior order of the court, and the court closed this order by stating that it was denying plaintiff's "motions to

[4] As explained in footnote 3, there is no December 5, 2025 order in the lower court record.

proceed quo warranto and for injunctive relief." Clearly, an order denying plaintiff's *motions* is not the same as adjudicating the *claims* in plaintiff's complaint.[5]

More than that, plaintiff's complaint raised *three* claims: quo warranto, declaratory judgment, and emergency injunctive relief. So even if the trial court's order denying plaintiff's motions to proceed quo warranto and for injunctive relief could be construed as adjudicating those claims as stated in plaintiff's complaint, the order did not resolve plaintiff's claim for declaratory judgment. And while it is true that the trial court stated that its December 29, 2025 order "resolves the last pending matter and closes the case," that language is not controlling. See *Stumbo v Roe*, 332 Mich App 479, 482 n 1; 957 NW2d 830 (2020). Nor is that language factually accurate for the reasons explained.

In short, the December 29, 2025 order is not a final order under MCR 7.202(6)(a)(*i*) because it did not dispose of all claims and adjudicate the rights and liabilities of all parties. Plaintiff therefore could not appeal the order as of right under MCR 7.203(A), and we lack jurisdiction to hear this appeal as one of right.

Dismissed.

/s/ Michael J. Kelly
/s/ Colleen A. O'Brien
/s/ Andrew J. Lievense

[5] Defendant implicitly recognized below that a denial of plaintiff's motion to proceed quo warranto and for injunctive relief did not dispose of plaintiff's claims because, after those motions were first denied, defendant filed a motion for summary disposition seeking to dismiss plaintiff's claims.