Court of Appeals, State of Michigan

ORDER

IN RE BELOUS

Docket No. 378732

LC No. 2024-002437-AV

Michael F. Gadola
Presiding Judge

Mark T. Boonstra

Colleen A. O'Brien
Judges

The complaint for superintending control and mandamus as to defendants City of Battle Creek, 10th District Court, and 10th District Court Clerk is DISMISSED for lack of jurisdiction. The complaint as to the City of Battle Creek is a complaint for mandamus. Because the City of Battle Creek is not a state officer, the complaint needed to be brought in the circuit court. MCR 3.305(A)(1) and (2); see also MCR 7.203(C)(2). The complaint as to the 10th District Court and the 10th District Court Clerk is a complaint for superintending control. See MCR 3.302(C). This Court has jurisdiction to entertain a complaint seeking a writ of superintending control "over a lower court . . . immediately below it arising out of an action or proceeding which, when concluded, would result in an order appealable to the Court of Appeals." MCR 7.203(C)(1). The 10th District Court is not a court immediately below this Court, nor would an order concluding proceedings in the 10th District Court be appealable directly to this Court.

The City of Battle Creek's motion for summary disposition is DISMISSED AS MOOT.

The complaint as to defendants 37th Circuit Court and 37th Circuit Court Clerk is a complaint for superintending control, MCR 3.302(C), and it is DENIED.

Presiding Judge

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

May 4, 2026
Date

Chief Clerk