STATE OF MICHIGAN

COURT OF CLAIMS

STACY ANDRE HAWKINS,

Plaintiff,

v Case No. 21-000222-MM

DEPARTMENT OF STATE POLICE, Hon. Michael J. Riordan

Defendant.
_____ /

ORDER GRANTING PLAINTIFF'S 9/14/26 MOTION TO LIFT THE STAY AND DIRECTING SUPPLEMENTAL BRIEFING

This matter was stayed pending the resolution by the United States Court of Appeals for the Sixth Circuit of an appeal in *John Does A-H et al v Whitmer et al*, Docket No. 25-1413/1414, after the Court determined that the issues in this case are subsumed by the federal case.

On July 14, 2025, plaintiff moved to file an amended complaint adding a claim that the criminal sexual conduct (CSC) statute under which he was convicted in 1989, MCL 750.520d(1)(c), is unconstitutionally vague and a claim that defendant "adopted and maintained an official custom or policy compelling plaintiff to register as a sex offender with deliberate indifference or reckless disregard knowing that doing so would or would likely violate plaintiff's rights" under the Ex Post Facto clause. Although the initial complaint only sought removal from the sex offender registry, the amended complaint also sought monetary damages. The Court declined to consider the request to amend during the stay, explaining in a November 10, 2025 order:

> In plaintiff's proposed vagueness challenge, plaintiff seeks to include allegations about the events underlying his conviction and the advice he received from counsel during his criminal trial. Plaintiff's proposed new custom-or-policy Ex Post Facto challenge also stems from the facts and circumstances surrounding his 1989 conviction. Plaintiff contends defendant unconstitutionally compelled plaintiff to register despite its knowledge that plaintiff maintained his innocence and passed a polygraph, which plaintiff argues means he was not a true threat to society. If the United States Court of Appeals for the Sixth Circuit upholds the federal district court's opinion that the 2021 [Sex Offender Registration Act (SORA)] is unconstitutional, it is at the very least arguable, that plaintiff will be entitled to removal from the sex offender registry, rendering plaintiff's additional vagueness and Ex Post Facto counts moot. Additionally, these proposed counts appear to be a collateral attack on plaintiff's former criminal conviction. The Court will refrain from making a final determination in that regard unless necessary to resolution of this action following the Sixth Circuit's review.

The Sixth Circuit heard oral argument on July 21, 2026, but has yet to issue an opinion or order.

On September 9, 2026, the Michigan Supreme Court entered an order in *People v Smith*, Docket No. 168200, holding that retroactively applying the 2021 SORA amounts to ex post facto punishment for the same reasons the Court determined in *People v Betts*, 507 Mich 527; 968 NW2d 497 (2021), that retroactive application of the 2011 SORA was unconstitutional. Based on this order, the Michigan State Police removed more than 20,000 individuals from the sex offender registry by September 11. MSP Official Statement, Michigan State Police Begins Removing Sex Offenders from Registry to Comply with Michigan Supreme Court Order (September 11, 2026), available at https://www.michigan.gov/mspnewsroom/news-releases/2026/09/11/sor-compliance-official-statement. The Court visited the registry website and discovered that plaintiff's name has been removed.

Based on this information,

The Court GRANTS plaintiff's motion to lift the stay in this matter.

The Court directs the parties to file supplemental briefs limited to 10 pages addressing whether this matter should be dismissed as moot by October 1, 2026.

This is not a final order.

Date: 09/18/2026

Michael J. Riordan
Judge, Court of Claims