STATE OF MICHIGAN

COURT OF CLAIMS

ROBERT LATEEF TILLMAN #683154,

Plaintiff,

v Case No. 25-000113-MP

UNKNOWN BAUERS, Hon. Michael F. Gadola

Defendant.
_____ /

ORDER OF DISMISSAL PURSUANT TO MCL 600.5509

Plaintiff, a prisoner with the Michigan Department of Corrections (MDOC), filed this lawsuit concerning prison conditions against defendant Unknown Bauers, a corrections officer employed by the MDOC, in an individual capacity. The complaint raises three claims arising from a misconduct report written by Bauers. Pending before the Court is Bauers' request for this Court to conduct the review of plaintiff's complaint that is mandated by MCL 600.5509(1) of the Prison Litigation Reform Act (PLRA), MCL 600.5501, *et seq*. In accordance with MCL 600.5509(2), the Court orders that the matter is DISMISSED.

I. BACKGROUND

Plaintiff's complaint stems from a Class 1 Misconduct Report prepared by Bauers that charged plaintiff with violating an MDOC rule prohibiting unauthorized possession or use of prescribed medication. According to the allegations in the complaint, Bauers reported that he discovered "two strips of orange paper substance with markings N 8 on them wrapped in clear plastic wrap, [which] is consistent with the drug suboxone" in a locker within plaintiff's sole area

of control. Plaintiff was charged with substance abuse, which is defined in MDOC PD 03.03.105 as "unauthorized possession of or use of prescribed or restricted medication." After an administrative hearing plaintiff was found guilty of the charge. The charge was upheld on rehearing. In an internal appeal decision, an MDOC hearings administrator reversed the finding of guilt because there was no evidence in the record to indicate that the substance was tested or identified by medical staff as suboxone, as required by the MDOC Hearings Handbook.

Plaintiff's complaint alleges that Bauers falsified the charge in the Class I Misconduct Report and intentionally excluded a picture of where the substance was allegedly found. It also alleges that Bauer intentionally failed to follow established MDOC rules by failing to include in the misconduct report that the substance was tested or identified by licensed medical staff and that he did this to conceal that the substance found was not suboxone. Plaintiff seeks monetary damages for Bauers' alleged intentional tortious conduct that resulted in him being subject to 30 days of "top lock sanctions."

II. ANALYSIS

Under MCL 600.5509(2) of the PLRA, the Court "shall review" a complaint that is subject to the PLRA. Under the PLRA, the Court "shall dismiss" the complaint if, after review, it finds either: (a) that the complaint or some portion of the complaint is frivolous; or (b) the complaint seeks monetary relief from a defendant who is entitled to immunity. MCL 600.5509(2)(a)–(b). Having reviewed the complaint, the Court concludes that the condition in MCL 600.5509(2)(b) has been satisfied and, therefore, the Court does not need to determine whether the complaint or some portion of the complaint is frivolous under MCL 600.5509(2)(a).

MCL 600.5509(2)(b) requires dismissal of any claim for which the defendant is immune. Plaintiff's complaint alleges damages resulting from intentional falsification of the misconduct report. The governmental tort liability act, MCL 691.1401 *et seq*., provides governmental immunity from tort liability under delineated circumstances for government employees, MCL 691.1407(2). Under MCL 691.1407(2), without regard to the discretionary or ministerial nature of the conduct in question, an employee of a governmental agency is immune for tort liability for an injury to a person or damage to property caused by the employee while in the course of employment if all of the following are met:

> (a) The acts were undertaken during the course of employment and the employee was acting, or reasonably believed he was acting, within the scope of his authority.
>
> (b) The governmental agency is engaged in the exercise or discharge of a governmental function.
>
> (c) The . . . employee's . . . conduct does not amount to gross negligence that is the proximate cause of the injury or damage. [MCL 691.1407(2).]

The plaintiff has the burden to plead claims in avoidance of governmental immunity. *In re Bradley Estate*, 494 Mich 367, 377; 835 NW2d 545 (2013).

The allegations in the complaint fail to plead in avoidance of governmental immunity and, therefore, dismissal is warranted under MCL 600.5509(2)(b). The challenged action is the writing of the misconduct report charging plaintiff with possession of suboxone. Paragraph 8 of plaintiff's complaint acknowledges that Bauers had a duty to "conduct[] searches of a prisoner's cell/room or area of control, and charg[] prisoners with rule infractions via the MDOC disciplinary process." There is no dispute that the MDOC is engaged in the exercise or discharge of a governmental function and that Bauers was acting during the course of his employment with MDOC and within the scope of his authority in issuing the misconduct report. Lastly, plaintiff's complaint does not

allege gross negligence and does not allege specific facts demonstrating that Bauers' conduct was grossly negligent.

III. CONCLUSION

For the reason explained above, the Court GRANTS defendant's request for screening and DISMISSES plaintiff's complaint.

IT IS SO ORDERED. This is a final order that resolves the last claim and closes the case.

Date: March 16, 2026

Hon. Michael F. Gadola
Chief Judge, Court of Claims