STATE OF MICHIGAN

COURT OF CLAIMS

TOD FRIEDMAN # 225264,

Plaintiff,

v

Case No. 26-000071-MP

Hon. Michael F. Gadola

STATE OF MICHIGAN, MICHIGAN, MICHIGAN DEPARTMENT OF CORRECTIONS, and UNKNOWN MDOC EMPLOYEES (in their individual capacities),

Defendants.
_____ /

OPINION AND ORDER GRANTING STATE DEFENDANTS' MOTION FOR SUMMARY DISPOSITION AND DISMISSING CASE WITHOUT PREJUDICE

Plaintiff, a prisoner incarcerated with the Michigan Department of Corrections, filed this suit on April 8, 2026, raising claims against the State of Michigan, the Michigan Department of Corrections (MDOC), and "Unknown MDOC Employees (in their individual capacities)." Plaintiff's claims arise from the alleged seizure of his guitar and accessories. On May 4, 2026, the Court dismissed for lack of jurisdiction the individual-capacity claims against the unknown MDOC employees. The State of Michigan and the MDOC (the state defendants) moved for summary disposition under MCR 2.116(C)(7) on June 26, 2026, arguing that the suit must be dismissed because plaintiff failed to comply with MCL 600.5507(2) of the Prison Litigation Reform Act (PLRA), MCL 600.5501 *et seq*. Plaintiff has not responded to defendants' motion and, therefore, the motion is treated as uncontested. Court of Claims LCR 2.119(C)(3). Because plaintiff failed to comply with the PLRA, the Court must dismiss plaintiff's action.

The PLRA applies to every "civil action concerning prison conditions." MCL 600.5501. The term "civil action concerning prison conditions" means "a civil proceeding seeking damages or equitable relief arising with respect to any conditions of confinement or the effects of an act or admission of government officials, employees, or agents in the performance of their duties." One of the requirements a prisoner must meet is to "disclose the number of civil actions and appeals that the prisoner has previously initiated." MCL 600.5507(2). "The court shall dismiss a civil action" if it finds that plaintiff did not make this required disclosure. MCL 600.5507(3). This is a mandatory provision, and the failure to disclose the number of previous civil actions or appeals initiated by a plaintiff requires dismissal of the action; it does not allow amendment of the complaint. *Does v Dep't of Corrections*, 312 Mich App 97, 112-114; 878 NW2d 293 (2015), vacated in part on other grounds 499 Mich 886 (2016). Dismissal must be without prejudice. *Hogan v Wayne Co*, ___ Mich ___; 28 NW3d 334 (2025).

The PLRA applies to plaintiff's case because it constitutes a "civil action concerning prison conditions," MCL 600.5501, and seeks money damages. Plaintiff failed to comply with MCL 600.5507(2). While plaintiff disclosed that he previously filed an action in this Court involving the same parties and claims, defendants have provided documentary evidence that plaintiff initiated two civil actions in Ingham Circuit Court while he was a prisoner. The uncontradicted evidence reveals that plaintiff failed to accurately disclose the number of civil actions that he initiated in the past. Thus, under the plain language of the statute, plaintiff's complaint must be dismissed. Accordingly, the Court GRANTS defendants' motion for summary disposition and DISMISSES plaintiff's case without prejudice.

IT IS SO ORDERED. This opinion and order resolves the last pending claim and closes the case.

Date: August 7, 2026

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