# STATE OF MICHIGAN

# COURT OF CLAIMS

MILTON LAWRENCE THOMAS,

Plaintiff,

v

Case No. 26-000122-MZ

RODRICO JOHN SOLOMON and KENNETH ALLEN BURKE,

Hon. Michael F. Gadola

Defendants.
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## ORDER TO SHOW CAUSE

On the Court's own motion, the Court orders plaintiff to show cause why the claims against defendant Kenneth Allen Burke should not be dismissed for lack of jurisdiction under MCL 600.6419(1)(a).

"The Court of Claims is a court of legislative creation. Its statutory powers are explicit and limited." *Council of Orgs & Others for Ed about Parochiaid v Michigan*, 321 Mich App 456, 466; 909 NW2d 449 (2017) (quotation marks and citation omitted). MCL 600.6419, which *specifically outlines* the jurisdiction of the Court of Claims, contains a requirement that the action be "against the state or any of its departments or officers . . . ." *Id*. at 467 (emphasis in original). Included in the statutory definition of "the state or any of its departments or officers" is

> any state governing, legislative, or judicial body, department, commission, board, institution, arm, or agency of the state, or an officer, employee, or volunteer of this state or any governing, legislative, or judicial body, department, commission, board, institution, arm, or agency of this state, acting, or who reasonably believes that he or she is acting, within the scope of his or her authority while engaged in or

discharging a government function in the course of his or her duties. [MCL 600.6419(7).]

The Court is "continually obligated to question sua sponte" its jurisdiction over a person or the subject matter of a case. See *O'Connell v Dir of Elections*, 316 Mich App 91, 100; 891 NW2d 240 (2016) (quotation marks and citation omitted). In accordance with the Court's ongoing obligation to question its jurisdiction, the Court has reviewed the first amended complaint in this case. The complaint does not show on its face that defendant Burke is a state actor. Accordingly,

IT IS ORDERED:

1. Plaintiff is directed to show cause within 14 days of the date of this Order how this Court has jurisdiction over defendant Burke.

2. Should plaintiff fail to respond by the deadline or to provide an adequate response, defendant Burke will be dismissed from this action.

Date: November 17, 2026

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