

Court of Appeals, State of Michigan

ORDER

James McCaa v Wayne Circuit Court Judge

Docket No. **310661**

LC No. **05-012920-FC**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The original complaint for mandamus is DISMISSED for lack of jurisdiction. The complaint for mandamus is not properly brought against defendant circuit judge because a superintending control order has replaced the writ of mandamus when directed to a lower court. MCR 3.302(C). Further, this Court will not treat plaintiff's complaint for mandamus as a complaint for superintending control because it is manifest that an original action for superintending control is not properly brought as to this matter since plaintiff could have filed an appeal in this Court as the defendant in the underlying criminal case to challenge the portion of the judgment of sentence requiring him to reimburse the \$1,610 in attorney fees. See *Fieger v Cox*, 274 Mich App 449, 462-463; 734 NW2d 602 (2007).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

AUG 31 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster".

Chief Clerk