

Court of Appeals, State of Michigan

ORDER

In re Wilson

Docket No. **314258**

LC No. **08-005957-FH**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The original complaint in this case is DISMISSED IN PART for lack of jurisdiction.

First, the original complaint is DISMISSED entirely as to defendants Wayne County Prosecutor and Barry Seigal. This Court lacks jurisdiction over those parties in an original action for superintending control because they are not courts or judges. MCR 3.302(D)(1). Further, this Court lacks jurisdiction over an original action for mandamus as to those parties because they are not state officers, MCR 3.305(A)(1), but rather are, respectively, a county level official and a county employee.

Further, to the extent it is framed as an original complaint for mandamus against defendant Wayne Circuit Court Judge, the original complaint is DISMISSED IN PART as to that party because a superintending control order has replaced the writ of mandamus when directed to a lower court. MCR 3.302(C).

This case remains pending as an original complaint for superintending control against defendant Wayne Circuit Court Judge. MCR 3.302(D)(1).



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

MAR 08 2013

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk