

STATE OF MICHIGAN
COURT OF APPEALS

DAVID MICHAEL MARTIN and
DANNY LYNN LANDIS,

UNPUBLISHED
August 6, 1996

Plaintiffs-Appellants,

v

No. 182078
LC No. 94015541 CM

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee.

Before: Young, P.J., and Corrigan and M.J. Callahan,* JJ.

MEMORANDUM.

Plaintiffs appeal of right the Court of Claims order granting defendant's motion for summary disposition for lack of subject matter jurisdiction, MCR 2.116(C)(4). Plaintiffs claim their causes of action are not federal in nature and that the Court of Claims should have jurisdiction. We affirm.

Plaintiffs, prisoners at the Lakeland Correctional Facility, argue that defendant Department of Corrections violated plaintiff Martin's state and federal constitutional rights to access to the courts when his legal correspondence was mishandled. Plaintiffs further allege that defendant violated Danny Lynn Landis' state and federal constitutional rights when defendant transferred his legal assistant, plaintiff Martin, to another facility.

This Court reviews orders on motions for summary disposition *de novo*. *Bitar v Wakim*, 211 Mich App 617, 619; 536 NW2d 583 (1995). Review of a motion for summary disposition for lack of subject matter jurisdiction requires this Court to determine whether the pleadings demonstrated that the moving party was entitled to judgment as a matter of law. *Id.*

Plaintiffs argue that the Court of Claims improperly granted defendant's motion for summary disposition for lack of subject matter jurisdiction. We disagree. The scope of the Court of Claims'

* Circuit judge, sitting on the Court of Appeals by assignment.

jurisdiction is narrow and is set forth explicitly in MCL 600.6419; MSA 27A.6419. *Dunbar v Dep't of Mental Health*, 197 Mich App 1, 4; 495 NW2d 152 (1992). This provision states in pertinent part:

(1) Except as provided in sections 6419a and 6440, the jurisdiction of the court of claims, as conferred upon it by this chapter, shall be exclusive. The state administrative board is hereby vested with discretionary authority upon the advice of the attorney general, to hear, consider, determine, and allow any claim against the state in an amount less than \$1,000.00. . . . The court has power and jurisdiction:

(a) To hear and determine all claims and demands, liquidated and unliquidated, ex contractu and ex delicto, against the state and any of its departments, commissions, boards, institutions, arms, or agencies. [MCL 600.6419(1)(a); MSA 27A.6419(1)(a).]

Thus, the Court of Claims has jurisdiction over claims for money damages against the state arising in contract or in tort. *Dunbar, supra* at 5. Because the instant case involves constitutional claims, the Court of Claims lacks subject matter jurisdiction and the court properly granted the motion for summary disposition.

Plaintiffs next dispute the adequacy of their federal remedy. Plaintiffs attempt to assert a statutory exception that would invoke jurisdiction in the Court of Claims when the state has not waived immunity under US Const, Am XI. The statute, MCL 600.6440; MSA 27A.6440, does not allow this exception. In Michigan, claims against the state for money damages must be brought in the Court of Claims. MCL 600.6401 *et seq.*; MSA 27A.6401 *et seq.* Plaintiffs acknowledged in their complaint that the rights allegedly violated are federal in nature. Plaintiffs are statutorily barred from pursuing their federal claims in the Court of Claims.

Affirmed.

/s/ Robert P. Young, Jr.
/s/ Maura D. Corrigan
/s/ Michael J. Callahan