

STATE OF MICHIGAN
COURT OF APPEALS

REGINALD WILSON,

Plaintiff–Appellant,

UNPUBLISHED
November 26, 1996

v

No. 185718
LC No. 94-424629

DETROIT PUBLIC LIBRARY,

Defendant–Appellee.

Before: Saad, P.J., and Holbrook and Buth,* JJ.

PER CURIAM.

Plaintiff appeals the trial court’s order granting summary disposition in favor of defendant in this employment discrimination case. We affirm.

Plaintiff contends on appeal that the trial judge erred in granting defendant’s motion for summary disposition on plaintiff’s race and sex discrimination claims because plaintiff presented sufficient evidence of a prima facie case of employment discrimination to defeat defendant’s motion. Plaintiff claimed that defendant violated the Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq.*; MSA 3.548(101) *et seq.*, by failing to "promote" him from a clerical position to a librarian position. In our careful review of the record, we find no evidence that defendant's action was based upon plaintiff's sex or race. In light of plaintiff's performance as a clerk and his interview for the librarian position, any claim that he was not hired as a librarian because of his race or sex is pure speculation

Plaintiff also asserts that the trial court erred in denying his motion for leave to amend his complaint to add defendant’s failure to promote him into a pre-professional librarian position as a basis for his discrimination claim. We disagree. The grant or denial of a motion for leave to amend will not be disturbed on appeal absent an abuse of discretion, *Phillips v Deihm*, 213 Mich App 389, 393; 541 NW2d 566 (1995). Because plaintiff’s motion was made orally, during the hearing on the motion for summary disposition, it did not comply with the applicable court rule and the trial court did not abuse its

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

discretion in denying plaintiff's motion for leave to amend. MCR 2.118(A)(4); *Burse v Wayne County Medical Examiner*, 151 Mich App 761, 768; 391 NW2d 479 (1986) (under CCR 1963, 118.1).

We affirm.

/s/ Henry William Saad

/s/ Donald E. Holbrook, Jr.

/s/ George S. Buth