

STATE OF MICHIGAN
COURT OF APPEALS

KIRK LEAPHART,

Plaintiff-Appellant,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee.

UNPUBLISHED

May 30, 1997

No. 193224

Alger Circuit Court

LC No. 95-002795-CZ

Before: O'Connell, P.J., and Sawyer and Markman, JJ.

PER CURIAM.

Plaintiff appeals by right from an order granting summary disposition pursuant to MCR 2.116(C)(7). We affirm.

Plaintiff is a state prisoner who sued four Michigan Department of Corrections (MDOC) employees, including Linda Maki, for alleged violations of his constitutional right to free speech and to petition the government for redress of grievances. Maki was an MDOC hearing officer who adjudicated an incident of misconduct by defendant from which the instant action arose. As an MDOC hearing officer acting in an adjudicatory capacity pursuant to MCL 791.251 *et seq.*; MSA 28.2320(51) *et seq.*, we conclude that defendant Maki was entitled to absolute judicial immunity in relation to such actions. *Shelly v Johnson*, 849 F2d 228, 230 (CA 6, 1988); cf. *Couch v Schultz*, 193 Mich App 292, 295-296; 483 NW2d 684 (1992); *Spruytte v Owens*, 190 Mich App 127, 130-131; 475 NW2d 382 (1991). The trial court therefore did not err when it granted summary disposition. Cf. *Peters v Dep't of Corrections*, 215 Mich App 485, 486; 546 NW2d 668 (1996).

Affirmed.

/s/ Peter D. O'Connell

/s/ David H. Sawyer

/s/ Stephen J. Markman