

STATE OF MICHIGAN
COURT OF APPEALS

NIKHOL ATKINS,

Plaintiff-Appellant,

v

CITY OF OAK PARK and SANDRA K. GADD,

Defendants-Appellees.

UNPUBLISHED

December 19, 2006

No. 264770

Oakland Circuit Court

LC No. 2005-067621-AW

Before: Murphy, P.J., and Smolenski and Kelly, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order denying her complaint for a writ of mandamus. We dismiss this appeal as moot. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff sought to run for city council in the November 2005 election. Defendants rejected her petition on the ground that she did not meet the city's two-year residency requirement for elective office. Plaintiff filed this action, asserting that defendants had a duty to place her name on the ballot because the residency requirement was unconstitutional. The issue is now moot because, regardless of the merits of plaintiff's constitutional challenge, this Court cannot grant the relief requested, placement of plaintiff's name on the November 2005 ballot. Further, unless plaintiff moved out of Oak Park beforehand, she satisfied the residency requirement as of January 2006, so she is unlikely to be affected by it again, assuming plaintiff even runs again. *City of Warren v Detroit*, 261 Mich App 165, 166 n 1; 680 NW2d 57 (2004). This Court generally will not decide moot issues. *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998). Accordingly, we dismiss this appeal as moot.

Dismissed as moot.

/s/ William B. Murphy

/s/ Michael R. Smolenski

/s/ Kirsten Frank Kelly