

Court of Appeals, State of Michigan

ORDER

Sean Ryan v Rod O'Farrell

Docket No. 328763

LC No. 15-026120-NM

Jane M. Beckering
Presiding Judge

Kurtis T. Wilder

Mark T. Boonstra
Judges

The Court orders that the motion for reconsideration is DENIED. First, *Hawkins v Dep't of Corrections*, unpublished opinion per curiam of the Court of Appeals (Docket No. 293478, issued April 20, 2010), is not precedentially binding under the rule of stare decisis because it is an unpublished opinion of this Court. MCR 7.215(C)(1). Further, to the extent that *Hawkins* would have the implication indicated by appellant that implication must be rejected because it is contrary to the Michigan Supreme Court's binding holding in *Keenan v Dep't of Corrections*, 466 Mich 204; 644 NW2d 756 (2002), regarding the meaning of MCL 600.2963(8). Moreover, the holding in *Smith v Bennett*, 365 US 708; 81 S Ct 895; 6 L Ed 2d 39 (1961), is limited to habeas corpus actions and, thus, does not apply to this case. Finally, *Shulick v Michigan*, Case No. 2:09-cv-128, 2011 US Dist Lexis 104487 (September 14, 2011), does not include any holding as to the First Amendment or Const 1963, art 1, sec 13.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV 13 2015

Date

Chief Clerk