

Court of Appeals, State of Michigan

ORDER

Christina Marie Cummings v Andrew MacMillan Cummings

Docket No. **330517**

LC No. **08-008105-DM**

Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1), orders:

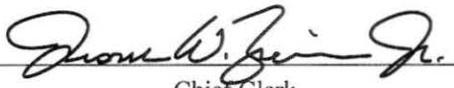
The claim of appeal is DISMISSED for lack of jurisdiction because the November 30, 2015 order is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). That order is not a final order under MCR 7.202(6)(a)(iii) because it merely includes provisions regarding appellee being allowed to require appellant to submit to alcohol testing and provide medical records for review. Those provisions cannot reasonably be considered to affect the custody of a minor. In this regard, a preliminary order aimed at obtaining information that might affect a future decision regarding custody cannot reasonably be considered to itself affect custody. The trial court's inaccurate certification of the November 30, 2015 order as a final order under MCR 7.202(6)(a)(iii) is not controlling. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400-401; 591 NW2d 314 (1998). Appellant may seek to appeal the November 30, 2015 order by filing an application or delayed application for leave to appeal under MCR 7.205.



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

DEC 16 2015

Date


Chief Clerk