

STATE OF MICHIGAN
COURT OF APPEALS

SOPHIE F. KUSMIREK,
Plaintiff-Appellee,

UNPUBLISHED
February 1, 2005

v

IGNACY F. KUSMIREK,
Defendant-Appellant.

No. 250693
Wayne Circuit Court
LC No. 02-226592-DO

Before: Zahra, P.J., and Whitbeck and Neff, JJ.

MEMORANDUM.

Defendant appeals as of right from a circuit court order denying his postjudgment motion for modification of spousal support. We affirm.

The parties entered into a settlement agreement providing for defendant's payment of spousal support to plaintiff. Defendant objected to the support provision incorporated in the judgment of divorce and, after a judgment was entered, promptly filed a motion for modification. When that motion was denied, defendant filed a second motion for modification which was also denied. It appears that defendant appeals from the denial of the second motion.

Defendant has failed to establish a right to relief. Due to his failure to brief the merits of his claim and to cite any applicable authority in support thereof, the issue is deemed abandoned. *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). In any event, it appears from the record that the circumstances on which defendant based his motions were known before mediation and the resultant settlement agreement. Therefore, it does not appear that there was any change in circumstances warranting a modification of spousal support. *Moore v Moore*, 242 Mich App 652, 654; 619 NW2d 723 (2000).

Affirmed.

/s/ Brian K. Zahra
/s/ William C. Whitbeck
/s/ Janet T. Neff